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Ontario

REVISED STATUTES

OF

ONTARIO, 1980

BEING A

REVISION AND CONSOLIDATION OF THE PUBLIC GENERAL
ACTS OF THE LEGISLATURE OF ONTARIO, PUBLISHED
UNDER THE AUTHORITY OF THE STATUTES
REVISION ACT, 1979

VOL. 7

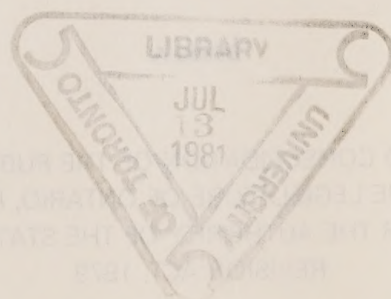
TORONTO
PRINTED AND PUBLISHED BY THE QUEEN'S PRINTER



REVISED STATUTES

OF

ONTARIO, 1980



VOL. 7

REVISED STATUTES OF ONTARIO, 1980

VOLUME 7

TABLE OF CONTENTS

CHAP.	PAGE
434 — Regional Municipality of Durham Act.....	1
435 — Regional Municipality of Haldimand-Norfolk Act	109
436 — Regional Municipality of Halton Act.....	211
437 — Regional Municipality of Hamilton-Wentworth Act.....	313
438 — Regional Municipality of Niagara Act	423
439 — Regional Municipality of Ottawa-Carleton Act.....	549
440 — Regional Municipality of Peel Act.....	665
441 — Regional Municipality of Sudbury Act	769
442 — Regional Municipality of Waterloo Act	865
443 — Regional Municipality of York Act	983
444 — Registered Insurance Brokers Act	1105
445 — Registry Act.....	1129
446 — Regulations Act.....	1183

ALPHABETICAL TABLE OF STATUTES

CONTAINED IN THE

REVISED STATUTES OF ONTARIO, 1980

VOLUME 1

CHAP.

- 1 — Abandoned Orchards Act
- 2 — Absconding Debtors Act
- 3 — Absentees Act
- 4 — Accidental Fires Act
- 5 — Accumulations Act
- 6 — Administration of Justice Act
- 7 — Age of Majority and Accountability Act
- 8 — Agricultural Associations Act
- 9 — Agricultural Committees Act
- 10 — Agricultural Development Finance Act
- 11 — Agricultural Rehabilitation and Development Act (Ontario)
- 12 — Agricultural Representatives Act
- 13 — Agricultural Research Institute of Ontario Act
- 14 — Agricultural Societies Act
- 15 — Agricultural Tile Drainage Installation Act
- 16 — Airports Act
- 17 — Alcoholism and Drug Addiction Research Foundation Act
- 18 — Algonquin Forestry Authority Act
- 19 — Aliens' Real Property Act
- 20 — Ambulance Act
- 21 — Anatomy Act
- 22 — Animals for Research Act
- 23 — Apportionment Act
- 24 — Apprenticeship and Tradesmen's Qualification Act
- 25 — Arbitrations Act
- 26 — Architects Act
- 27 — Archives Act
- 28 — Art Gallery of Ontario Act
- 29 — Artificial Insemination of Live Stock Act
- 30 — Arts Council Act
- 31 — Assessment Act
- 32 — Assessment Review Court Act
- 33 — Assignments and Preferences Act
- 34 — Athletics Control Act
- 35 — Audit Act
- 36 — Bail Act
- 37 — Bailiffs Act
- 38 — Barristers Act
- 39 — Beach Protection Act
- 40 — Beds of Navigable Waters Act
- 41 — Beef Cattle Marketing Act
- 42 — Bees Act
- 43 — Bills of Sale Act
- 44 — Blind Persons' Rights Act
- 45 — Blind Workmen's Compensation Act
- 46 — Boilers and Pressure Vessels Act

VOLUME 1—Continued

CHAP.

- 47 — Boundaries Act
- 48 — Bread Sales Act
- 49 — Bridges Act
- 50 — Brucellosis Act
- 51 — Building Code Act
- 52 — Bulk Sales Act
- 53 — Bull Owners' Liability Act
- 54 — Business Corporations Act
- 55 — Business Practices Act
- 56 — Business Records Protection Act

- 57 — Cancer Act
- 58 — Cancer Remedies Act
- 59 — Cemeteries Act
- 60 — Centennial Centre of Science and Technology Act
- 61 — Certification of Titles Act
- 62 — Change of Name Act
- 63 — Charitable Gifts Act
- 64 — Charitable Institutions Act
- 65 — Charities Accounting Act
- 66 — Child Welfare Act
- 67 — Children's Institutions Act
- 68 — Children's Law Reform Act
- 69 — Children's Mental Health Services Act
- 70 — Children's Probation Act
- 71 — Children's Residential Services Act
- 72 — Chiropody Act
- 73 — Collection Agencies Act
- 74 — Colleges Collective Bargaining Act
- 75 — Commissioners for taking Affidavits Act
- 76 — Commodity Board Members Act
- 77 — Commodity Boards and Marketing Agencies Act
- 78 — Commodity Futures Act
- 79 — Community Psychiatric Hospitals Act
- 80 — Community Recreation Centres Act
- 81 — Commuter Services Act
- 82 — Compensation for Victims of Crime Act
- 83 — Compulsory Automobile Insurance Act
- 84 — Condominium Act
- 85 — Conservation Authorities Act
- 86 — Constitutional Questions Act
- 87 — Consumer Protection Act
- 88 — Consumer Protection Bureau Act
- 89 — Consumer Reporting Act
- 90 — Conveyancing and Law of Property Act
- 91 — Co-operative Corporations Act
- 92 — Co-operative Loans Act
- 93 — Coroners Act

VOLUME 2

- 94 — Corporation Securities Registration Act
- 95 — Corporations Act

VOLUME 2—Continued

CHAP.

- 96 — Corporations Information Act
- 97 — Corporations Tax Act
- 98 — Costs of Distress Act
- 99 — County Court Judges' Criminal Courts Act
- 100 — County Courts Act
- 101 — County Judges Act
- 102 — Credit Unions and Caisses Populaires Act
- 103 — Creditors' Relief Act
- 104 — Crop Insurance Act (Ontario)
- 105 — Crown Administration of Estates Act
- 106 — Crown Agency Act
- 107 — Crown Attorneys Act
- 108 — Crown Employees Collective Bargaining Act
- 109 — Crown Timber Act
- 110 — Crown Witnesses Act

- 111 — Day Nurseries Act
- 112 — Dead Animal Disposal Act
- 113 — Debt Collectors Act
- 114 — Dental Technicians Act
- 115 — Denture Therapists Act
- 116 — Deposits Regulation Act
- 117 — Development Corporations Act
- 118 — Developmental Services Act
- 119 — Discriminatory Business Practices Act
- 120 — Disorderly Houses Act
- 121 — District Municipality of Muskoka Act
- 122 — District Welfare Administration Boards Act
- 123 — Dog Licensing and Live Stock and Poultry Protection Act
- 124 — Dog Owners' Liability Act
- 125 — Dominion Courts Act
- 126 — Drainage Act
- 127 — Drugless Practitioners Act

- 128 — Edible Oil Products Act
- 129 — Education Act
- 130 — Egress from Public Buildings Act
- 131 — Elderly Persons Centres Act
- 132 — Elderly Persons' Housing Aid Act
- 133 — Election Act
- 134 — Election Finances Reform Act
- 135 — Elevating Devices Act
- 136 — Employment Agencies Act
- 137 — Employment Standards Act
- 138 — Endangered Species Act
- 139 — Energy Act
- 140 — Environmental Assessment Act
- 141 — Environmental Protection Act

VOLUME 3

CHAP.

- 142 — Escheats Act
- 143 — Estates Administration Act
- 144 — Estreats Act
- 145 — Evidence Act
- 146 — Execution Act
- 147 — Executive Council Act
- 148 — Expropriations Act
- 149 — Extra-Judicial Services Act

- 150 — Factors Act
- 151 — Family Benefits Act
- 152 — Family Law Reform Act
- 153 — Farm Income Stabilization Act
- 154 — Farm Loans Act
- 155 — Farm Loans Adjustment Act
- 156 — Farm Products Containers Act
- 157 — Farm Products Grades and Sales Act
- 158 — Farm Products Marketing Act
- 159 — Farm Products Payments Act
- 160 — Ferries Act
- 161 — Financial Administration Act
- 162 — Fines and Forfeitures Act
- 163 — Fire Accidents Act
- 164 — Fire Departments Act
- 165 — Fire Fighters Exemption Act
- 166 — Fire Marshals Act
- 167 — Fish Inspection Act
- 168 — Fisheries Loans Act
- 169 — Flag Act
- 170 — Floral Emblem Act
- 171 — Fluoridation Act
- 172 — Foreign Cultural Objects Immunity from Seizure Act
- 173 — Forest Fires Prevention Act
- 174 — Forest Tree Pest Control Act
- 175 — Forestry Act
- 176 — Fraudulent Conveyances Act
- 177 — Fraudulent Debtors Arrest Act
- 178 — Freshwater Fish Marketing Act (Ontario)
- 179 — Frustrated Contracts Act
- 180 — Funeral Services Act
- 181 — Fur Farms Act

- 182 — Game and Fish Act
- 183 — Gaming Act
- 184 — Gas and Oil Leases Act
- 185 — Gasoline Handling Act
- 186 — Gasoline Tax Act
- 187 — General Sessions Act
- 188 — General Welfare Assistance Act
- 189 — Gold Clauses Act
- 190 — Government Contracts Hours and Wages Act
- 191 — Grain Elevator Storage Act
- 192 — Guarantee Companies Securities Act

VOLUME 3—Continued

CHAP.

- 193 — Habeas Corpus Act
- 194 — Haliburton Act
- 195 — Healing Arts Radiation Protection Act
- 196 — Health Disciplines Act
- 197 — Health Insurance Act
- 198 — Highway Traffic Act
- 199 — Historical Parks Act
- 200 — Homemakers and Nurses Services Act
- 201 — Homes for Retarded Persons Act
- 202 — Homes for Special Care Act
- 203 — Homes for the Aged and Rest Homes Act
- 204 — Horticultural Societies Act
- 205 — Hospital Labour Disputes Arbitration Act
- 206 — Hospitals and Charitable Institutions Inquiries Act
- 207 — Hotel Fire Safety Act
- 208 — Hotel Registration of Guests Act
- 209 — Housing Development Act
- 210 — Human Tissue Gift Act
- 211 — Hunter Damage Compensation Act
- 212 — Hypnosis Act

- 213 — Income Tax Act
- 214 — Indian Welfare Services Act
- 215 — Industrial and Mining Lands Compensation Act
- 216 — Industrial Standards Act
- 217 — Inkeepers Act
- 218 — Insurance Act
- 219 — Interpretation Act
- 220 — Interprovincial Subpoenas Act
- 221 — Investment Contracts Act

- 222 — Judges' Orders Enforcement Act
- 223 — Judicature Act
- 224 — Judicial Review Procedure Act
- 225 — Junior Farmer Establishment Act
- 226 — Juries Act
- 227 — Justices of the Peace Act

VOLUME 4

- 228 — Labour Relations Act
- 229 — Lakes and Rivers Improvement Act
- 230 — Land Titles Act
- 231 — Land Transfer Tax Act
- 232 — Landlord and Tenant Act
- 233 — Law Society Act
- 234 — Legal Aid Act
- 235 — Legislative Assembly Act
- 236 — Legislative Assembly Retirement Allowances Act
- 237 — Libel and Slander Act
- 238 — Lieutenant Governor Act

VOLUME 4—Continued

CHAP.

- 239 — Lightning Rods Act
- 240 — Limitations Act
- 241 — Limited Partnerships Act
- 242 — Line Fences Act
- 243 — Liquor Control Act
- 244 — Liquor Licence Act
- 245 — Live Stock and Live Stock Products Act
- 246 — Live Stock Branding Act
- 247 — Live Stock Community Sales Act
- 248 — Live Stock Medicines Act
- 249 — Loan and Trust Corporations Act
- 250 — Local Improvement Act
- 251 — Local Roads Boards Act
- 252 — Local Services Boards Act
- 253 — Lord's Day (Ontario) Act

- 254 — Management Board of Cabinet Act
- 255 — Marine Insurance Act
- 256 — Marriage Act
- 257 — Master and Servant Act
- 258 — Matrimonial Causes Act
- 259 — McMichael Canadian Collection Act
- 260 — Meat Inspection Act (Ontario)
- 261 — Mechanics' Lien Act
- 262 — Mental Health Act
- 263 — Mental Hospitals Act
- 264 — Mental Incompetency Act
- 265 — Mercantile Law Amendment Act
- 266 — Milk Act
- 267 — Mineral Emblem Act
- 268 — Mining Act
- 269 — Mining Tax Act
- 270 — Ministry of Agriculture and Food Act
- 271 — Ministry of the Attorney General Act
- 272 — Ministry of Colleges and Universities Act
- 273 — Ministry of Community and Social Services Act
- 274 — Ministry of Consumer and Commercial Relations Act
- 275 — Ministry of Correctional Services Act
- 276 — Ministry of Culture and Recreation Act
- 277 — Ministry of Energy Act
- 278 — Ministry of the Environment Act
- 279 — Ministry of Government Services Act
- 280 — Ministry of Health Act
- 281 — Ministry of Housing Act
- 282 — Ministry of Industry and Tourism Act
- 283 — Ministry of Intergovernmental Affairs Act
- 284 — Ministry of Labour Act
- 285 — Ministry of Natural Resources Act
- 286 — Ministry of Northern Affairs Act
- 287 — Ministry of Revenue Act
- 288 — Ministry of the Solicitor General Act
- 289 — Ministry of Transportation and Communications Act
- 290 — Ministry of Transportation and Communications Creditors
Payment Act
- 291 — Ministry of Treasury and Economics Act
- 292 — Minors Act
- 293 — Minors' Protection Act

VOLUME 4—Continued

CHAP.

- 294 — Moosonee Development Area Board Act
- 295 — Mortgage Brokers Act
- 296 — Mortgages Act
- 297 — Mortmain and Charitable Uses Act

VOLUME 5

- 298 — Motor Vehicle Accident Claims Act
- 299 — Motor Vehicle Dealers Act
- 300 — Motor Vehicle Fuel Tax Act
- 301 — Motorized Snow Vehicles Act
- 302 — Municipal Act
- 303 — Municipal Affairs Act
- 304 — Municipal Arbitrations Act
- 305 — Municipal Conflict of Interest Act
- 306 — Municipal Corporations Quieting Orders Act
- 307 — Municipal Elderly Resident's Assistance Act
- 308 — Municipal Elections Act
- 309 — Municipal Franchises Act
- 310 — Municipal Health Services Act
- 311 — Municipal Tax Assistance Act
- 312 — Municipal Unemployment Relief Act
- 313 — Municipal Works Assistance Act
- 314 — Municipality of Metropolitan Toronto Act

- 315 — Negligence Act
- 316 — Niagara Escarpment Planning and Development Act
- 317 — Niagara Parks Act
- 318 — Non-resident Agricultural Land Interests Registration Act
- 319 — Notaries Act
- 320 — Nursing Homes Act

- 321 — Occupational Health and Safety Act
- 322 — Occupiers' Liability Act
- 323 — Official Notices Publication Act
- 324 — Oleomargarine Act
- 325 — Ombudsman Act
- 326 — One Day's Rest in Seven Act
- 327 — Ontario Agricultural Museum Act
- 328 — Ontario Deposit Insurance Corporation Act
- 329 — Ontario Economic Council Act
- 330 — Ontario Education Capital Aid Corporation Act
- 331 — Ontario Educational Communications Authority Act
- 332 — Ontario Energy Board Act
- 333 — Ontario Energy Corporation Act
- 334 — Ontario Food Terminal Act
- 335 — Ontario Geographic Names Board Act
- 336 — Ontario Guaranteed Annual Income Act
- 337 — Ontario Heritage Act
- 338 — Ontario Highway Transport Board Act
- 339 — Ontario Housing Corporation Act

VOLUME 5—Continued

CHAP.

- 340 — Ontario Human Rights Code
- 341 — Ontario Institute for Studies in Education Act
- 342 — Ontario Land Corporation Act
- 343 — Ontario Law Reform Commission Act
- 344 — Ontario Lottery Corporation Act
- 345 — Ontario Mental Health Foundation Act
- 346 — Ontario Mineral Exploration Program Act
- 347 — Ontario Municipal Board Act
- 348 — Ontario Municipal Employees Retirement System Act
- 349 — Ontario Municipal Improvement Corporation Act
- 350 — Ontario New Home Warranties Plan Act
- 351 — Ontario Northland Transportation Commission Act
- 352 — Ontario Pensioners Property Tax Assistance Act
- 353 — Ontario Place Corporation Act
- 354 — Ontario Planning and Development Act
- 355 — Ontario School Trustees' Council Act
- 356 — Ontario Society for the Prevention of Cruelty to Animals Act
- 357 — Ontario Telephone Development Corporation Act
- 358 — Ontario Transportation Development Corporation Act
- 359 — Ontario Unconditional Grants Act
- 360 — Ontario Universities Capital Aid Corporation Act
- 361 — Ontario Water Resources Act
- 362 — Ontario Youth Employment Act

VOLUME 6

- 363 — Operating Engineers Act
- 364 — Ophthalmic Dispensers Act
- 365 — Oxford (County of) Act

- 366 — Paperback and Periodical Distributors Act
- 367 — Parks Assistance Act
- 368 — Parkway Belt Planning and Development Act
- 369 — Partition Act
- 370 — Partnerships Act
- 371 — Partnerships Registration Act
- 372 — Pawnbrokers Act
- 373 — Pension Benefits Act
- 374 — Perpetuities Act
- 375 — Personal Property Security Act
- 376 — Pesticides Act
- 377 — Petroleum Resources Act
- 378 — Pits and Quarries Control Act
- 379 — Planning Act
- 380 — Plant Diseases Act
- 381 — Police Act
- 382 — Policy and Priorities Board of Cabinet Act
- 383 — Pounds Act
- 384 — Power Corporation Act
- 385 — Power Corporation Insurance Act
- 386 — Powers of Attorney Act
- 387 — Prearranged Funeral Services Act
- 388 — Prepaid Hospital and Medical Services Act

VOLUME 6—Continued

CHAP.

- 389 — Private Hospitals Act
- 390 — Private Investigators and Security Guards Act
- 391 — Private Sanitaria Act
- 392 — Private Vocational Schools Act
- 393 — Proceedings Against the Crown Act
- 394 — Professional Engineers Act
- 395 — Property and Civil Rights Act
- 396 — Provincial Auctioneers Act
- 397 — Provincial Court (Civil Division) Project Act
- 398 — Provincial Courts Act
- 399 — Provincial Land Tax Act
- 400 — Provincial Offences Act
- 401 — Provincial Parks Act
- 402 — Provincial Parks Municipal Tax Assistance Act
- 403 — Provincial Schools Negotiations Act
- 404 — Psychologists Registration Act
- 405 — Public Accountancy Act
- 406 — Public Authorities Protection Act
- 407 — Public Commercial Vehicles Act
- 408 — Public Halls Act
- 409 — Public Health Act
- 410 — Public Hospitals Act
- 411 — Public Inquiries Act
- 412 — Public Institutions Inspection Act
- 413 — Public Lands Act
- 414 — Public Libraries Act
- 415 — Public Officers Act
- 416 — Public Officers' Fees Act
- 417 — Public Parks Act
- 418 — Public Service Act
- 419 — Public Service Superannuation Act
- 420 — Public Service Works on Highways Act
- 421 — Public Transportation and Highway Improvement Act
- 422 — Public Trustee Act
- 423 — Public Utilities Act
- 424 — Public Utilities Corporations Act
- 425 — Public Vehicles Act
- 426 — Public Works Protection Act

- 427 — Quieting Titles Act

- 428 — Race Tracks Tax Act
- 429 — Racing Commission Act
- 430 — Radiological Technicians Act
- 431 — Real Estate and Business Brokers Act
- 432 — Reciprocal Enforcement of Judgments Act
- 433 — Reciprocal Enforcement of Maintenance Orders Act

VOLUME 7

CHAP.

- 434 — Regional Municipality of Durham Act
- 435 — Regional Municipality of Haldimand-Norfolk Act
- 436 — Regional Municipality of Halton Act
- 437 — Regional Municipality of Hamilton-Wentworth Act
- 438 — Regional Municipality of Niagara Act
- 439 — Regional Municipality of Ottawa-Carleton Act
- 440 — Regional Municipality of Peel Act
- 441 — Regional Municipality of Sudbury Act
- 442 — Regional Municipality of Waterloo Act
- 443 — Regional Municipality of York Act
- 444 — Registered Insurance Brokers Act
- 445 — Registry Act
- 446 — Regulations Act

VOLUME 8

- 447 — Religious Freedom Act
- 448 — Religious Organizations' Lands Act
- 449 — Replevin Act
- 450 — Representation Act
- 451 — Research Foundation Act
- 452 — Residential Tenancies Act
- 453 — Retail Business Holidays Act
- 454 — Retail Sales Tax Act
- 455 — Riding Horse Establishments Act
- 456 — Rights of Labour Act
- 457 — Road Access Act
- 458 — Royal Ontario Museum Act
- 459 — Rural Housing Assistance Act
- 460 — Rural Hydro-Electric Distribution Act
- 461 — Rural Power District Loans Act

- 462 — Sale of Goods Act
- 463 — Sanatoria for Consumptives Act
- 464 — School Boards and Teachers Collective Negotiations Act
- 465 — School Trust Conveyances Act
- 466 — Securities Act
- 467 — Seed Potatoes Act
- 468 — Settled Estates Act
- 469 — Settlers' Pulpwood Protection Act
- 470 — Sheriffs Act
- 471 — Shoreline Property Assistance Act
- 472 — Short Forms of Conveyances Act
- 473 — Short Forms of Leases Act
- 474 — Short Forms of Mortgages Act
- 475 — Small Business Development Corporations Act
- 476 — Small Claims Courts Act
- 477 — Snow Roads and Fences Act
- 478 — Solicitors Act

- 479 — Spruce Pulpwood Exportation Act
- 480 — Statistics Act

VOLUME 8—Continued

CHAP.

- 481 — Statute of Frauds
- 482 — Statute Labour Act
- 483 — Statutes Act
- 484 — Statutory Powers Procedure Act
- 485 — St. Clair Parkway Commission Act
- 486 — St. Lawrence Parks Commission Act
- 487 — Stock Yards Act
- 488 — Succession Law Reform Act
- 489 — Successor Rights (Crown Transfers) Act
- 490 — Superannuation Adjustment Benefits Act
- 491 — Surrogate Courts Act
- 492 — Surveyors Act
- 493 — Surveys Act

- 494 — Teachers' Superannuation Act
- 495 — Teaching Profession Act
- 496 — Telephone Act
- 497 — Territorial Division Act
- 498 — Theatres Act
- 499 — Ticket Speculation Act
- 500 — Tile Drainage Act
- 501 — Time Act
- 502 — Tobacco Tax Act
- 503 — Toll Bridges Act
- 504 — Topsoil Preservation Act
- 505 — Toronto Area Transit Operating Authority Act
- 506 — Toronto Stock Exchange Act
- 507 — Tourism Act
- 508 — Training Schools Act
- 509 — Travel Industry Act
- 510 — Trees Act
- 511 — Trespass to Property
- 512 — Trustee Act

- 513 — Unclaimed Articles Act
- 514 — Unconscionable Transactions Relief Act
- 515 — Unified Family Court Act
- 516 — University Expropriation Powers Act
- 517 — Upholstered and Stuffed Articles Act
- 518 — Urban Transportation Development Corporation Ltd. Act

- 519 — Variation of Trusts Act
- 520 — Vendors and Purchasers Act
- 521 — Venereal Diseases Prevention Act
- 522 — Veterinarians Act
- 523 — Vexatious Proceedings Act
- 524 — Vital Statistics Act
- 525 — Vocational Rehabilitation Services Act

- 526 — Wages Act
- 527 — War Veterans Burial Act

VOLUME 8—Continued

CHAP.

- 528 — Warehouse Receipts Act
- 529 — Warehousemen's Lien Act
- 530 — Weed Control Act
- 531 — Wharfs and Harbours Act
- 532 — Wild Rice Harvesting Act
- 533 — Wilderness Areas Act
- 534 — Wine Content Act
- 535 — Woodlands Improvement Act
- 536 — Woodmen's Employment Act
- 537 — Woodmen's Lien for Wages Act
- 538 — Wool Marketing Act
- 539 — Workmen's Compensation Act
- 540 — Workmen's Compensation Insurance Act

CHAPTER 434

Regional Municipality of Durham Act

INTERPRETATION

1. In this Act,

Interpre-
tation

- (a) “area municipality” means the municipality or corporation of the City of Oshawa, the Town of Ajax, the Town of Newcastle, the Town of Pickering, the Town of Whitby, the Township of Brock, the Township of Scugog and the Township of Uxbridge, all as constituted by section 2;
- (b) “bridge” means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) “chairman” means the chairman of the Regional Council;
- (d) “debt” includes any obligation for the payment of money;
- (e) “divided municipality” means a local municipality parts of which are annexed to two or more municipalities under subsection 2 (1);
- (f) “highway” and “road” mean a common and public highway or any part thereof, and include a street, bridge, and any other structure incidental thereto or any part thereof;
- (g) “land” includes lands, tenements and hereditaments, and any estate or interest therein, and any right or easement affecting them, and land covered with water, and includes any buildings or improvements on land;
- (h) “local board” means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or

exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the Regional Corporation or of an area municipality or of two or more area municipalities or parts thereof;

- (i) "local municipality" means in the year 1973 any local municipality or portion thereof within the Regional Area;
- (j) "merged area" means a local municipality that is amalgamated with another local municipality or a part of a local municipality that is annexed to a local municipality to constitute an area municipality, or a local municipality or part of a local municipality that is constituted an area municipality under subsection 2 (1), or the local municipality to which such part is annexed;
- (k) "Minister" means the Minister of Intergovernmental Affairs;
- (l) "Ministry" means the Ministry of Intergovernmental Affairs;
- (m) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money, other than a by-law passed under section 104;
- (n) "Municipal Board" means the Ontario Municipal Board;
- (o) "Regional Area",
 - (i) until the 1st day of January, 1974, means,
 - A. the area included within the County of Ontario, except the townships of Rama and Mara and except that portion of the Township of Pickering annexed to the Borough of Scarborough by subsection 150 (2) of the *Municipality of Metropolitan Toronto Act*, and,
 - B. the area included within the County of Durham, except the Township of Manvers, the Township of Cavan, the Village of Millbrook, the Township of Hope and the Town of Port Hope, and

- (ii) on and after the 1st day of January, 1974,
means the area from time to time included
within the area municipalities;
- (p) "Regional Corporation" means The Regional Municipality of Durham;
- (q) "Regional Council" means the council of the Regional Corporation;
- (r) "regional road" means a road forming part of the regional road system established under Part III;
- (s) "roadway" means that part of the highway designed or intended for use by vehicular traffic. 1973, c. 78, s. 1.

PART I

AREA MUNICIPALITIES

2.—(1) On the 1st day of January, 1974,

- (a) The Corporation of the City of Oshawa and The Corporation of the Township of East Whitby are amalgamated as a city municipality bearing the name of The Corporation of the City of Oshawa;
- (b) The Corporation of the Town of Ajax and The Corporation of the Village of Pickering are amalgamated as a town municipality bearing the name of The Corporation of the Town of Ajax and the portions of the Township of Pickering, described as follows, are annexed to such town:

Constitution of
area municipalities

FIRSTLY, part of the Township of Pickering, commencing at a point in the east boundary of the Township of Pickering where it is intersected by the easterly prolongation of the north limit of Lot 1 in Concession IV of the Township of Pickering;

THENCE westerly to and along the north limit of lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 in Concession IV of the Township of Pickering to a point measured 126.33 feet easterly therealong from the southerly prolongation of the east limit of Lot 17 in Concession V of the Township of Pickering;

THENCE South $16^{\circ} 29' 40''$ East 203.01 feet to a point;

THENCE North $72^{\circ} 59' 20''$ East 203.19 feet to the east limit of Lot 17 in Concession IV of the said Township of Pickering;

THENCE southerly along the east limit of Lot 17 to a point distant 4433.41 feet measured southerly thereon from the northeast angle of Lot 17 in Concession IV;

THENCE North $60^{\circ} 57' 10''$ East 688.66 feet;

THENCE North $60^{\circ} 07' 40''$ East 755.95 feet;

THENCE South $15^{\circ} 59' 50''$ East 563.14 feet;

THENCE South $15^{\circ} 58' 30''$ East 397.03 feet;

THENCE South $14^{\circ} 57' 00''$ East 101.47 feet;

THENCE South $15^{\circ} 24' 10''$ East 317.45 feet;

THENCE South $18^{\circ} 41' 20''$ East 126.30 feet;

THENCE South $13^{\circ} 32' 50''$ East 58.00 feet;

THENCE South $15^{\circ} 56' 20''$ East 350.79 feet to the north limit of the Canadian Pacific Railway right-of-way;

THENCE westerly along the north limit of railway right-of-way 1.48 feet to the east limit of Lot 16 in Concession IV of the Township of Pickering;

THENCE southerly along the east limit of Lot 16 a distance of 102.27 feet to the south limit of railway right-of-way;

THENCE easterly along the south limit of railway a distance of 1.30 feet to a point;

THENCE South $16^{\circ} 21' 50''$ East 614.59 feet;

THENCE South $16^{\circ} 06' 40''$ East 27.01 feet to the southeast angle of Lot 16 in Concession IV;

THENCE South $17^{\circ} 56' 30''$ East 66.00 feet to the north limit of Lot 16 in Concession III;

THENCE easterly along the north limit of Lot 16 a distance of 49.18 feet to the northeast angle thereof;

THENCE southerly along the east limit of Lot 16 in Concession III a distance of 4618.51 feet to a point;

THENCE South $50^{\circ} 05' 40''$ West to the line between lots 17 and 18 in Concession III of the Township of Pickering;

THENCE southerly along the line between lots 17 and 18 in concessions III and II respectively to the middle of the main channel of West Duffin Creek;

THENCE northeasterly and southeasterly following the middle of the main channels of West Duffin Creek and Duffin Creek to the west boundary of the Village of Pickering;

THENCE northerly, easterly and southerly following the boundaries between the Township of Pickering and the Village of Pickering to an angle in the Town of Ajax;

THENCE easterly and southerly following the various boundaries between the Township of Pickering and the Town of Ajax to the southeast angle of the said Town;

THENCE easterly along the south boundary of the Township of Pickering being along the International Boundary to the southeast angle thereof;

THENCE northerly along the east boundary of the Township of Pickering to the point of commencement;

SECONDLY, part of the Township of Pickering commencing at the southwest angle of Lot 14 in Concession I of the Township of Pickering;

THENCE easterly along the southerly limit of Lot 14 in Concession I to an angle in the Town of Ajax;

THENCE easterly and northerly following the boundaries between the Township of Pickering and the Town of Ajax to an angle in the Village of Pickering;

THENCE westerly following the boundaries between the Township of Pickering and the Village of Pickering to the west limit of Lot 14 in Concession I of the Township of Pickering;

THENCE southerly along the west limit of Lot 14 to the point of commencement;

- (c) The Corporation of the Town of Bowmanville, The Corporation of the Village of Newcastle, The Corporation of the Township of Clarke and The Corporation of the Township of Darlington are amalgamated as a town municipality bearing the name of The Corporation of the Town of Newcastle;
- (d) The portion of the Township of Pickering, described as follows, is established as a town municipality bearing the name of The Corporation of the Town of Pickering;

COMMENCING at a point in the east boundary of the Township of Pickering where it is intersected by the easterly prolongation of the north limit of Lot 1 in Concession IV of the Township of Pickering;

THENCE westerly to and along the north limit of lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 in Concession IV to a point measured 126.33 feet easterly therealong from the southerly prolongation of the east limit of Lot 17 in Concession V of the Township of Pickering;

THENCE South $16^{\circ} 29' 40''$ East 203.01 feet to a point;

THENCE North $72^{\circ} 59' 20''$ East 203.19 feet to the east limit of Lot 17 in Concession IV of the Township of Pickering;

THENCE southerly along the east limit of Lot 17 to a point distant 4433.41 feet measured southerly thereon from the northeast angle of Lot 17 in Concession IV;

THENCE North $60^{\circ} 57' 10''$ East 688.66 feet;

THENCE North $60^{\circ} 07' 40''$ East 755.95 feet;

THENCE South $15^{\circ} 59' 50''$ East 563.14 feet;

THENCE South $15^{\circ} 58' 30''$ East 397.03 feet;

THENCE South $14^{\circ} 57' 00''$ East 101.47 feet;

THENCE South $15^{\circ} 24' 10''$ East 317.45 feet;

THENCE South $18^{\circ} 41' 20''$ East 126.30 feet;

THENCE South $13^{\circ} 32' 50''$ East 58.00 feet;

THENCE South $15^{\circ} 56' 20''$ East 350.79 feet to the north limit of the Canadian Pacific Railway right-of-way;

THENCE westerly along the north limit of railway right-of-way 1.48 feet to the east limit of Lot 16 in Concession IV of the Township of Pickering;

THENCE southerly along the east limit of Lot 16 a distance of 102.27 feet to the south limit of railway right-of-way;

THENCE easterly along the south limit of railway right-of-way a distance of 1.30 feet to a point;

THENCE South $16^{\circ} 21' 50''$ East 614.59 feet;

THENCE South $16^{\circ} 06' 40''$ East 27.01 feet to the southeast angle of Lot 16 in Concession IV;

THENCE South $17^{\circ} 56' 30''$ East 66.00 feet to the north limit of Lot 16 in Concession III;

THENCE easterly along the north limit of Lot 16 a distance of 49.18 feet to the northeast angle thereof;

THENCE southerly along the east limit of Lot 16 in Concession III a distance of 4618.51 feet to a point;

THENCE South $50^{\circ} 05' 40''$ West to the line between lots 17 and 18 in Concession III of the Township of Pickering;

THENCE southerly along the line between lots 17 and 18 in concessions III and II respectively to the middle of the main channel of West Duffin Creek;

THENCE northeasterly and southeasterly following the middle of the main channels of West Duffin Creek and Duffin Creek to the west boundary of the Village of Pickering;

THENCE southerly along the west boundary of the Village of Pickering to the southwest angle of the said Village being at the south limit of the right-of-way of the Canadian National Railway Company;

THENCE easterly along the south limit of the said right-of-way to the west limit of Lot 14 in Concession I of the Township of Pickering;

THENCE southerly along the west limit of Lot 14 to its southwest angle;

THENCE easterly along the south limit of Lot 14 in Concession I to an angle in the Town of Ajax;

THENCE southerly following the boundaries between the Township of Pickering and the Town of Ajax to the International Boundary between Canada and the United States of America;

THENCE westerly following the said International Boundary to the intersection of a line having the same course as the west boundary of the Township of Pickering drawn southerly from the mouth of the Rouge River at Lake Ontario;

THENCE northerly on the same course as the west boundary of the said Township to the mouth of the said Rouge River;

THENCE northwesterly following the middle of the main channels of the Rouge River and the Little Rouge Creek to the west boundary of the Township of Pickering;

THENCE northerly following the west boundary of the Township of Pickering to its northwest angle thereof;

THENCE easterly along the north boundary of the said Township of Pickering to the northeast angle thereof;

THENCE southerly following the east boundary of the Township of Pickering to the point of commencement;

- (e) The Corporation of the Town of Whitby is continued as a town municipality;
- (f) The Corporation of the Village of Beaverton, The Corporation of the Village of Cannington, The Corporation of the Township of Brock and The Corporation of the Township of Thorah are amalgamated as a township municipality bearing the name of The Corporation of the Township of Brock;

- (g) The Corporation of the Village of Port Perry, The Corporation of the Township of Cartwright, The Corporation of the Township of Reach and The Corporation of the Township of Scugog are amalgamated as a township municipality bearing the name of The Corporation of the Township of Scugog;
- (h) The Corporation of the Town of Uxbridge, The Corporation of the Township of Scott and The Corporation of the Township of Uxbridge are amalgamated as a township municipality bearing the name of The Corporation of the Township of Uxbridge.

(2) The following police villages are dissolved on the 1st day of January, 1974:

Dissolution
of police
villages

1. The Police Village of Orono.
2. The Police Village of Sunderland. 1973, c. 78, s. 2 (1, 2).

(3) For the purposes of every Act, the amalgamations, annexations and dissolutions provided for in this Part, and in subsection 150 (2) of the *Municipality of Metropolitan Toronto Act*, shall be deemed to have been effected by orders of the Municipal Board not subject to section 42 of the *Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the 23rd day of June, 1973 pursuant to applications made under sections 14 and 25 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, and, subject to the provisions of this Act, the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations, annexations and dissolutions, and sections 94 and 95 of the *Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers and "municipalities" in clause 14 (11) (a) of the *Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed. 1973, c. 78, s. 2 (3); 1973, c. 147, s. 1.

Amalgama-
tions and
annexations
deemed by
Municipal
Board
orders
R.S.O. 1980,
cc. 314, 347

R.S.O. 1980,
c. 302

3.—(1) The council of each area municipality shall be composed of a mayor, who shall be elected by a general vote of the electors of the area municipality and shall be the head of the council, and the following number of other members of council:

Composition
of council

1. The City of Oshawa—Except as may be provided under subsection (2), fourteen members, nine of whom shall be elected by a general vote of the electors of wards 1 to 6 and one of whom shall be elected in Ward 7, as members of the council of the area municipality and the Regional Council, and four of whom shall be elected by a

general vote of the electors of the area municipality as members of the council of the area municipality.

2. The Town of Ajax—Except as may be provided under subsection (2), six members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the Regional Council, and five of whom shall be elected by wards as members of the council of the area municipality.
3. The Town of Newcastle—Except as may be provided under subsection (2), six members, three of whom shall be elected by wards as members of the council of the area municipality and of the Regional Council, and three of whom shall be elected by wards as members of the council of the area municipality.
4. The Town of Pickering—Except as may be provided under subsection (2), six members, three of whom shall be elected by wards as members of the council of the area municipality and of the Regional Council, and three of whom shall be elected by wards as members of the council of the area municipality.
5. The Town of Whitby—Except as may be provided under subsection (2), six members, two of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and four of whom shall be elected by wards as members of the council of the area municipality.
6. The Township of Brock—Except as may be provided under subsection (2), six members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the Regional Council, and five of whom shall be elected by wards as members of the council of the area municipality.
7. The Township of Scugog—Except as may be provided under subsection (2), six members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the Regional Council, one of whom shall be elected by a general vote of the electors of the area municipality as a member of

the council of the area municipality and four of whom shall be elected by wards as members of the council of the area municipality.

8. The Township of Uxbridge—Except as may be provided under subsection (2), six members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the Regional Council, and five of whom shall be elected by wards as members of the council of the area municipality. 1973, c. 78, s. 3 (1), *revised*.

(2) Upon the application of an area municipality authorized by a by-law of the council thereof, or upon the petition of electors in accordance with the provisions of section 13 of the *Municipal Act*, the Municipal Board may, by order,

Alteration
of wards, etc.,
by O.M.B.
R.S.O. 1980,
c. 302

- (a) divide or redivide the area municipality into wards, and shall designate the name or number each ward shall bear and shall declare the date when the division or redivision shall take effect;
- (b) alter or dissolve any or all of the wards in the area municipality and shall declare the date when such alterations or dissolutions shall take effect; or
- (c) vary the composition of the council of the area municipality,

provided that,

- (d) no order made under this section shall alter the total number of members who represent the area municipality on the Regional Council, as provided for in this Act; and
- (e) the mayor of the area municipality shall continue to be elected by a general vote of the electors of the area municipality, and shall be the head of the council of the area municipality, and shall be a member of the Regional Council, as provided for in this Act. 1976, c. 43, s. 96.

(3) Notwithstanding section 7, the Lieutenant Governor in Council, upon the recommendation of the Minister, may by order authorize such method of selecting the members

Order of
L. G. in C.

who represent the area municipality on the Regional Council as is considered advisable following an order of the Municipal Board under subsection (2). 1977, c. 34, s. 43.

Stay of proceedings pending completion of inquiry

(4) Where the Minister is inquiring into the structure, organization and methods of operation of one or more area municipalities or the Regional Corporation, he may give notice to the Municipal Board of such inquiry and that in his opinion any application or applications and any petition or petitions made under subsection (2) should be deferred until the inquiry has been completed and considered, and thereupon all proceedings in any such application are stayed until he gives notice to the Municipal Board that they may be continued. 1979, c. 81, s. 113.

No Board of Control

4. No area municipality shall have a Board of Control. 1973, c. 78, s. 5.

PART II

INCORPORATION AND COUNCIL OF REGIONAL AREA

Regional Corporation continued

5.—(1) The inhabitants of the Regional Area are continued as a body corporate under the name of "The Regional Municipality of Durham".

Deemed municipality under R.S.O. 1980, cc. 303, 347

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of the *Municipal Affairs Act* and the *Ontario Municipality Board Act*. 1973, c. 78, s. 6 (1, 2), *revised*.

Regional Area deemed judicial district

(3) The Regional Area shall for all judicial purposes be deemed to be a county and be known as the Judicial District of Durham. 1973, c. 78, s. 6 (3), *revised*.

Appointments

(4) Every person who held an office or appointment under any Act on the 31st day of December, 1973, in and for the County of Ontario or the United Counties of Northumberland and Durham shall be deemed, so long as he continues to hold such office or appointment, to hold such office or appointment on and after the 1st day of January, 1974, in and for both the Judicial District of Durham and the County of Northumberland. 1973, c. 147, s. 2.

Regional Council to exercise corporate powers

6.—(1) The powers of the Regional Corporation shall be exercised by the Regional Council and, except where otherwise provided, the jurisdiction of the Regional Council is confined to the Regional Area.

(2) Except where otherwise provided, the powers of the Regional Council shall be exercised by by-law. Powers exercised by by-law

(3) A by-law passed by the Regional Council in the exercise of any of its powers and in good faith shall not be open to question, or be quashed, set aside or declared invalid either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them. 1973, c. 78, s. 7. Not to be quashed as unreasonable

7. The Regional Council shall consist of thirty-one members composed of a chairman and, Composition of Regional Council

- (a) the mayor of each area municipality;
- (b) ten members of the council of the area municipality of the City of Oshawa who have been elected as members of the Regional Council and of the council of such area municipality;
- (c) one member of the council of the area municipality of the Town of Ajax who has been elected as a member of the Regional Council and of the council of such area municipality;
- (d) three members of the council of the area municipality of the Town of Newcastle who have been elected as members of the Regional Council and of the council of such area municipality;
- (e) three members of the council of the area municipality of the Town of Pickering who have been elected as members of the Regional Council and of the council of such area municipality;
- (f) two members of the council of the area municipality of the Town of Whitby who have been elected as members of the Regional Council and of the council of such area municipality;
- (g) one member of the council of the area municipality of the Township of Brock who has been elected as a member of the Regional Council and of the council of such area municipality;
- (h) one member of the council of the area municipality of the Township of Scugog who has been elected as a member of the Regional Council and of the council of such area municipality;

- (i) one member of the council of the area municipality of the Township of Uxbridge who has been elected as a member of the Regional Council and of the council of such area municipality. 1973, c. 78, s. 8 (1).

Election
of chairman

8.—(1) At the first meeting of the Regional Council after a regular election at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for the term of the council and until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected. 1978, c. 33, s. 106 (1).

Where
chairman
member of
area council

(2) Where a member of the council of an area municipality becomes chairman, he shall be deemed to have resigned as a member of such council, and his seat on such council thereby becomes vacant. 1973, c. 78, s. 9 (3).

Failure
to elect
chairman

(3) If at the first meeting of the Regional Council after a regular election a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for the term of the council and until his successor is elected or appointed in accordance with this Act. 1978, c. 33, s. 106 (2).

First
meeting of
area councils

9.—(1) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality after a regular election shall be held not later than the seventh day following the day on which the term of office in respect of which the election was held commences.

First
meeting of
Regional
Council

(2) The first meeting of the Regional Council after a regular election shall be held after the councils of the area municipalities have held their first meetings under subsection (1), but in any event not later than the fourteenth day following the day on which the term of office in respect of which the election was held commences, on such date and at such time and place as may be fixed by by-law of the Regional Council. 1978, c. 33, s. 107.

Certificate of
qualification

(3) A person entitled to be a member of the Regional Council in accordance with section 7, other than the mayor of each area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council a certificate under the hand of the clerk of the area municipality which he represents, and under the seal of the area

municipality certifying that he is entitled to be a member of the Regional Council. 1973, c. 78, s. 10 (4).

(4) The chairman, before taking his seat, shall take an oath of allegiance in Form 1 and a declaration of qualification in Form 2.

Oath of allegiance, declaration of qualification

(5) No business shall be proceeded with at the first meeting of the Regional Council until after the declarations of office in Form 3 of the *Municipal Act* have been made by all members who present themselves for that purpose.

Declaration of office
R.S.O. 1980, c. 302

(6) The Regional Council shall be deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in subsection 11 (1). 1973 c. 78, s. 10 (6-8).

When Regional Council deemed organized

10. Subject to section 9, all meetings of the Regional Council shall be held at such place within the Regional Area and at such times as the Regional Council from time to time appoints. 1973, c. 78, s. 11.

Place of meeting

11.—(1) Sixteen members of the Regional Council representing at least four area municipalities are necessary to form a quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure.

Quorum, voting

(2) Subject to subsection (3), each member of the Regional Council has one vote only.

One vote

(3) The chairman does not have a vote except in the event of an equality of votes. 1973, c. 78, s. 12.

Chairman, vote

12.—(1) When a vacancy occurs in the office of a chairman who has been appointed by the Lieutenant Governor in Council, some person shall be appointed by the Lieutenant Governor in Council to hold office as chairman for the remainder of the term of his predecessor.

Vacancies, chairman

(2) When a vacancy occurs in the office of a chairman who has been elected under subsection 8 (1), the Regional Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman who may be one of the members of the Regional Council, or any other person, to hold office for the remainder of the term of his predecessor.

Idem

(3) If the Regional Council fails to elect a chairman within twenty days as required by subsection (2), the Lieutenant Governor in Council may appoint a person as chairman to hold office for the remainder of the term of his predecessor. 1973, c. 78, s. 13 (1-3).

Idem

Other
members

(4) When a vacancy occurs in the office of a member, other than the chairman or the head of the council of an area municipality, the council of the area municipality of which he was a member shall by by-law within sixty days after the vacancy occurs appoint a successor, who may be a member of the council or a person who is eligible to be elected a member of the council to hold office for the remainder of the term of his predecessor. 1973, c. 78, s. 13 (4); 1976, c. 43, s. 97.

Resignation

(5) Where a member has been elected as a member of the Regional Council and of the council of an area municipality, resignation from either council shall be deemed to be resignation from both councils.

Where head
of council
incapacitated

(6) In the event that the head of a council of an area municipality is for any reason unable to fulfil his duties as a member of the Regional Council for a period exceeding one month, the council of the area municipality may by by-law appoint one of its members as an alternate representative to the Regional Council who shall act in the place and stead of the head of council during his incapacity, but no such by-law shall have effect for a period longer than one month from its effective date. 1973, c. 78, s. 13 (5, 6).

Committees

13. The Regional Council may from time to time establish such standing or other committees and assign to them such duties as it considers expedient. 1973, c. 78, s. 15 (1).

Procedural
by-laws

14. The Regional Council may pass by-laws for governing the proceedings of the Regional Council and any of its committees, the conduct of its members and the calling of meetings. 1973, c. 78, s. 16.

Head of
Council

15.—(1) The chairman is the head of the Regional Council and is the chief executive officer of the Regional Corporation.

Chief
administra-
tive officer

(2) The Regional Council may by by-law appoint a chief administrative officer who,

- (a) shall have such general control and management of the administration of the government and affairs of the Regional Corporation and perform such duties as the Regional Council by by-law prescribes;
- (b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;

(c) shall hold office during the pleasure of the Regional Council; and

(d) shall receive such salary as the Regional Council by by-law determines.

(3) Subsection 99 (2) of the *Municipal Act* applies to a chief administrative officer appointed under subsection (2) of this section. 1973, c. 78, s. 17. Application of R.S.O. 1980, c. 302

16.—(1) When the chairman is absent or refuses to act, or his office is vacant, the Regional Council may by resolution appoint one of its members to act in his place and stead and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman. Acting chairman

(2) The Regional Council may by by-law appoint a member of the Regional Council to act from time to time in the place and stead of the chairman when the chairman is absent from the Regional Area or absent through illness or his office is vacant and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman. 1974, c. 117, s. 50. Idem

17.—(1) Sections 57, 58, 60, 62, 63, 129, 137 to 141, 238, 239, 240 to 244, 247, 248, 249 and 250 of the *Municipal Act* apply with necessary modifications to the Regional Corporation. 1980, c. 33, s. 27. Application of R.S.O. 1980, c. 302

(2) Sections 55, 64, 65 and 107 of the *Municipal Act* apply with necessary modifications to the Regional Council and to every local board of the Regional Corporation. 1973, c. 78, s. 19 (2). Idem

18.—(1) The Regional Council shall appoint a clerk whose duty it is, Appointment of clerk

(a) to record truly without note or comment, all resolutions, decisions and other proceedings of the Regional Council;

(b) if required by any member present, to record the name and vote of every member voting on any matter or question;

(c) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the Regional Council and its committees; and

(d) to perform such other duties as may be assigned to him by the Regional Council.

Deputy
clerk

(2) The Regional Council may appoint a deputy clerk who shall have all the powers and duties of the clerk.

Acting
clerk

(3) When the office of the clerk is vacant or the clerk is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting clerk *pro tempore* who shall have all the powers and duties of the clerk. 1973, c. 78, s. 20 (1-3).

Records
open to
inspection

19.—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents in the possession or under the control of the clerk, except interdepartmental correspondence and reports of officials of any department or of solicitors for the Regional Corporation made to the Regional Council or any of its committees, and the clerk within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the Regional Corporation to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix.

Index of
by-laws
affecting
land

(2) The clerk shall keep an index book in which he shall enter the number and date of all by-laws passed by the Regional Council that affect land or the use thereof in the Regional Area but do not directly affect the title to land.

Copies
certified
by clerk
to be
receivable
in evidence

(3) A copy of any record, book or document in the possession or under the control of the clerk purporting to be certified under his hand and the seal of the Regional Corporation, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs. 1973, c. 78, s. 21.

Appoint-
ment of
treasurer

20.—(1) The Regional Council shall appoint a treasurer to undertake the duties of a treasurer and such treasurer shall keep the books, records and accounts, and prepare the annual financial statements of the Regional Corporation and preserve and file all accounts of the Regional Corporation, and shall perform such other duties as may be assigned to him by the Regional Council.

Deputy
treasurer

(2) The Regional Council may appoint a deputy treasurer who shall have all the powers and duties of the treasurer.

Acting
treasurer

(3) When the office of treasurer is vacant or the treasurer is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting treasurer *pro tempore* who shall have all the powers and duties of the treasurer. 1973, c. 78, s. 22.

21.—(1) The treasurer shall receive and safely keep all money of the Regional Corporation, and shall pay out money to such persons and in such manner as the law in force in Ontario and the by-laws or resolutions of the Regional Council direct, provided that every cheque issued by the treasurer shall be signed by the treasurer and by some other person or persons designated for the purpose by by-law or resolution of the Regional Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized.

Receipt
and dis-
bursement
of money

(2) Notwithstanding subsection (1), the Regional Council may by by-law,

Signing
of cheques

(a) designate one or more persons to sign cheques in lieu of the treasurer; and

(b) provide that the signature of the treasurer and of any other person authorized to sign cheques may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

(3) The Regional Council may by by-law provide that the treasurer may establish and maintain a petty cash fund of an amount of money sufficient to make change and to pay small accounts, subject to such terms and conditions as the by-law may provide.

Petty
cash fund

(4) Except where otherwise expressly provided by this Act, a member of the Regional Council shall not receive any money from the treasurer for any work or service performed or to be performed, but nothing in this subsection prevents the payment of any moneys under any contract in respect of which the member has complied with section 2 of the *Municipal Conflict of Interest Act*.

When
member may
be paid

R.S.O. 1980,
c. 305

(5) The treasurer is not liable for money paid by him in accordance with a by-law or resolution of the Regional Council, unless another disposition of it is expressly provided for by statute. 1973, c. 78, s. 23.

Treasurer's
liability
limited

22. Subject to subsection 21 (3), the treasurer shall,

Bank
accounts

(a) open an account or accounts in the name of the Regional Corporation in such of the chartered banks of Canada or at such other place of deposit as may be approved by the Regional Council;

(b) deposit all money received by him on account of the Regional Corporation, and no other money, to the

credit of such account or accounts, and no other accounts; and

- (c) keep the money of the Regional Corporation entirely separate from his own money and from that of any other person,

and, notwithstanding subsection 21 (1), the Regional Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the treasurer vary from such provisions. 1973, c. 78, s. 24.

Monthly
statement

23.—(1) The treasurer shall prepare and submit to the Regional Council, monthly, a statement of the money at the credit of the Regional Corporation.

Notice to
sureties

(2) Where the treasurer is removed from office or absconds, the Regional Council shall forthwith give notice to his sureties. 1973, c. 78, s. 25.

Appointment
of auditors

24.—(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause by the Regional Council and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation, except school boards. 1977, c. 34, s. 44.

Cost
of audit

(2) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the Regional Corporation and charged back to the local board, and, in the event of a dispute as to the amount of the cost, the Ministry may upon application finally determine the amount thereof. 1973, c. 78, s. 26 (2).

Disquali-
fication
of auditors

(3) No person shall be appointed as an auditor of the Regional Corporation who is or during the preceding year was a member of the Regional Council or of the council of an area municipality or of any local board the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the Regional Corporation or an area municipality or any such local board, or any employment with any of them other than for services within his professional capacity. 1973, c. 78, s. 26 (3); 1976, c. 43, s. 98.

Duties
of auditors

(4) An auditor shall perform such duties as are prescribed by the Ministry, and also such duties as may be required

by the Regional Council or any local board of the Regional Corporation that do not conflict with the duties prescribed by the Ministry. 1973, c. 78, s. 26 (4).

25.—(1) Where the Regional Corporation or a local board^{Pensions} thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Ontario or a local board thereof, or by the United Counties of Northumberland and Durham or a local board thereof, the Regional Corporation or local board thereof shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the 22nd day of June, 1973 in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the Regional Corporation or local board thereof and such employee shall have uninterrupted membership or entitlement to membership, as the case may be, in the Ontario Municipal Employees Retirement System.

(2) Where the Regional Corporation or local board thereof^{Idem} is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area, the employee shall be deemed to remain an employee of the local municipality or local board thereof for the purposes of his entitlement under any approved pension plan or supplementary plan.

(3) Where the Regional Corporation or a local board^{Sick leave credits} thereof is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Ontario or a local board thereof, or by the United Counties of Northumberland and Durham or a local board thereof, the employee shall be deemed to remain an employee of the municipality or local board thereof or of the County of Ontario or a local board thereof, or of the United Counties of Northumberland and Durham or a local board thereof, until the Regional Corporation or local board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the Regional Corporation, whereupon the Regional Corporation or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the municipality or local board thereof.

(4) Where the Regional Corporation or a local board^{Holidays} thereof is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Ontario or a local board thereof, or by the United Counties of Northumberland and

Durham or a local board thereof, the Regional Corporation or local board thereof shall, during the first year of his employment by the Regional Corporation or local board thereof, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the County of Ontario or local board thereof, or the United Counties of Northumberland and Durham or local board thereof, or the municipality or local board thereof.

Offer of
employment

(5) The Regional Council shall offer to employ every person who, on the 1st day of April, 1973, is employed by any undertaking of any local municipality or local board that is assumed by the Regional Corporation under this Act and who continues to be so employed until the 31st day of December, 1973. 1973, c. 78, s. 27 (1-5).

Application of
R.S.O. 1980,
c. 348

(6) The Regional Corporation shall be deemed to be a municipality for the purposes of the *Ontario Municipal Employees Retirement System Act*.

Offer of
employment

(7) The employees of the local municipalities, and the local boards thereof within the Regional Area, which are amalgamated or annexed in whole or in part to form an area municipality, or of a local municipality or part of a local municipality that is constituted an area municipality, who were employed by such a local municipality or local board on the 1st day of April, 1973, and continue to be so employed until the 31st day of December, 1973, except employees offered employment by the Regional Council under subsection (5), shall be offered employment by the council of the area municipality with which they are amalgamated or to which they are annexed or the local municipality or part of the local municipality that is constituted an area municipality.

Sick leave
credits

(8) Any sick leave credits standing, on the 31st day of December, 1973, to the credit of any person who accepts employment under subsection (7) shall be placed to the credit of such employee in any sick leave credit plan established by the new employer.

Holidays

(9) Any person who accepts employment under subsection (7) shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those which he would have been entitled if he had remained in the employment of the local municipality or local board thereof by which he was formerly employed.

Termination
of employ-
ment

(10) Nothing in this section prevents any employer from terminating the employment of an employee for cause. 1973, c. 78, s. 27 (7-11).

26.—(1) Where under the provisions of section 25 or sub-^{Hardship on transfer} section (2) any employee in the opinion of the Minister experiences any difficulty or hardship with regard to the transfer of any pension rights or sick leave credits, the Minister may by order do anything necessary to remedy or alleviate such difficulty or hardship.

(2) With respect to the employees of the County of Ontario or local board thereof and the employees of the United Counties of Northumberland and Durham or local board thereof,^{County employees}

- (a) the Minister shall by order appoint a committee of arbitrators who shall determine which county, regional, metropolitan or other municipality or local board thereof shall offer to employ such employees;
- (b) the decision of such committee of arbitrators shall be final and binding upon the affected municipalities or local boards thereof; and
- (c) the provisions of subsections 25 (1), (2), (3), (4), (6) and (10) apply with necessary modifications to employees who accept an offer of employment under this subsection. 1973, c. 78, s. 28.

PART III

REGIONAL ROAD SYSTEM

27. In this Part,

Interpre-
tation

- (a) “approved” means approved by the Minister or of a type approved by the Minister;
- (b) “construction” includes reconstruction;
- (c) “maintenance” includes repair;
- (d) “Minister” means the Minister of Transportation and Communications;
- (e) “Ministry” means the Ministry of Transportation and Communications;
- (f) “road authority” means a body having jurisdiction and control of a highway. 1973, c. 78, s. 29.

County roads to constitute regional road system

28.—(1) On and after the 1st day of January, 1974, all roads on the 31st day of December, 1973, under the jurisdiction and control of the County of Ontario and the United Counties of Northumberland and Durham, within the Regional Area, shall constitute the regional road system.

Adding or removing roads by by-laws

(2) The Regional Council may by by-law from time to time add roads to or remove roads from the regional road system, including such boundary line roads or portions thereof between the Regional Area and an adjoining county, regional or metropolitan municipality as may be agreed upon between the Regional Council and the council of such adjoining municipality.

Transfer of provincial highway to regional corporation

(3) The Lieutenant Governor in Council may transfer any highway under the jurisdiction and control of the Ministry within the Regional Area to the Regional Corporation and the highway shall for all purposes be deemed to be part of the regional road system on such date as is designated by the Lieutenant Governor in Council and to have been transferred under section 29 of the *Public Transportation and Highway Improvement Act*.

R.S.O. 1980, c. 421

Vesting of roads in regional road system

(4) Where a road or part thereof forms part of the regional road system, jurisdiction and control and the soil and freehold thereof are vested in the Regional Corporation.

Removal of roads from regional road system

(5) The Lieutenant Governor in Council may remove any road from the regional road system.

Roads removed from system

(6) Where a road or a part thereof is removed from the regional road system, except by reason of it being stopped-up pursuant to subsection 38 (1), such road or part is thereupon transferred to and the jurisdiction and control and the soil and freehold thereof is thereupon vested in the area municipality in which it is situate, and the area municipality may sue upon any rights or under any agreements or by-laws in the same manner and to the same extent as the Regional Corporation in respect of such road.

Status of land acquired for widening regional road

(7) Notwithstanding subsection (10), where the Regional Corporation acquires land for the purpose of widening a regional road, the land so acquired, to the extent of the designated widening, forms part of the road and is included in the regional road system.

Idem

(8) When land abutting on a regional road is dedicated for, or apparently for, widening the regional road, the land so dedicated is part of the regional road and the jurisdiction

and control and the soil and freehold thereof is vested in the Regional Corporation subject to any rights in the soil reserved by the person who dedicated the land. 1973, c. 78, s. 30 (1-8).

(9) The Regional Council shall, from time to time, pass a by-law consolidating all by-laws relating to the regional road system. 1980, c. 33, s. 28. Consolidating by-law

(10) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant Governor in Council and the Lieutenant Governor in Council may approve the by-law in whole or in part and, where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it shall not be necessary for the Regional Council to pass any further by-law amending the original by-law or repealing any part thereof that has not been approved, and every such by-law as approved is in force and has effect on and after the day named by the Lieutenant Governor in Council. Approval of by-laws

(11) The *Regulations Act* does not apply to an order in council made under this section. 1973, c. 78, s. 30 (10, 11). Application of R.S.O. 1980, c. 446

29. The Regional Council shall adopt a plan of road construction and maintenance, and from time to time thereafter shall adopt such other plans as may be necessary. 1973, c. 78, s. 31. Plan of construction and maintenance

30. Where the Regional Corporation proposes the construction, improvement or alteration of a regional road, it shall furnish the Minister with such detailed information as he may require. 1973, c. 78, s. 32. Furnishing of information to Minister

31. Where a contribution has been made from any source whatsoever towards an expenditure made under the provisions of section 89 of the *Public Transportation and Highway Improvement Act*, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs. 1973, c. 78, s. 33. Contribution towards expenditures R.S.O. 1980, c. 421

32. The roads included in the regional road system shall be maintained and kept in repair by the Regional Corporation. 1973, c. 78, s. 34. Maintenance and repair

33. The Regional Corporation has, in respect of the roads included in the regional road system, all the rights, powers, benefits and advantages conferred, and is subject to all liabilities imposed, either by statute, by-law, contract or otherwise upon The Corporation of the County of Ontario or Power over roads assumed

The Corporation of the United Counties of Northumberland and Durham or the corporation of the area municipality or the corporation of two or more area municipalities which had jurisdiction over the roads before they became part of the regional road system, and the Regional Corporation may sue upon such rights or under such contracts or by-laws in the same manner and to the same extent as the County of Ontario or the United Counties of Northumberland and Durham or the area municipality or municipalities, as the case may be, might have done if the roads had not become part of the regional road system. 1973, c. 78, s. 35.

Sidewalks
excepted

34.—(1) The Regional Corporation is not by reason of a road forming part of the regional road system under this Act liable for the construction or maintenance of sidewalks on any road or portion thereof in the regional road system, but the area municipality in which such sidewalks are located continues to be liable for the maintenance of such sidewalks and is responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 284 of the *Municipal Act* in respect of a sidewalk on a road over which a council has jurisdiction.

R.S.O. 1980,
c. 302

Area municipi-
palities may
construct
sidewalks,
etc.

(2) An area municipality may construct a sidewalk, or other improvement or service on a regional road, and the Regional Corporation may contribute to the cost of such sidewalk, improvement or service, but no such work shall be undertaken by an area municipality without first obtaining the approval of the Regional Council expressed by resolution.

How cost
provided

(3) The cost of any such sidewalk, improvement or service constructed on a regional road may be met out of the general funds of the area municipality or the work may be undertaken in whole or in part as a local improvement under the *Local Improvement Act*.

R.S.O. 1980,
c. 250

Area
municipality
to conform
to require-
ments and be
responsible
for damages

(4) An area municipality when constructing such a sidewalk, improvement or service on a regional road shall conform to any requirements or conditions imposed by the Regional Council and is responsible for any injury or damage arising from the construction or presence of the sidewalk, improvement or service on the road.

R.S.O. 1980,
c. 421,
s. 106 (4)
not to apply

(5) Subsection 106 (4) of the *Public Transportation and Highway Improvement Act* does not apply to a sidewalk constructed on a regional road by the council of a township. 1973, c. 78, s. 36.

35.—(1) The Regional Corporation may construct, install, maintain or remove any works on a highway, other than a road under the jurisdiction and control of the Ministry, including traffic control devices, for the purpose of altering or regulating the flow of traffic upon entering or leaving a road in the regional road system.

Installation of traffic control devices

(2) The Regional Corporation may relocate, alter or divert any public road, other than a road under the jurisdiction and control of the Ministry, entering or touching upon or giving access to a road in the regional road system.

Relocation of intersecting roads

(3) Where, in relocating, altering or diverting a public road under subsection (2), the Regional Corporation constructs a new road in lieu of the public road, the Regional Corporation may close the public road at the point of intersection with the regional road and may, by by-law vest the new road and the soil and freehold and jurisdiction and control thereof in the area municipality in which it is situate.

Idem

(4) Where the Regional Corporation constructs a sidewalk, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality may contribute to the cost of such sidewalk, improvement or service and the work may be undertaken in whole or in part under the *Local Improvement Act*. 1973, c. 78, s. 37.

Construction of sidewalk, etc., on area municipality road

R.S.O. 1980, c. 250

36. Where a regional road intersects a road that is under the jurisdiction and control of an area municipality, the continuation of the regional road to its full width across the road so intersected is a part of the regional road system. 1973, c. 78, s. 38.

Intersection of other roads by regional road

37. The Regional Council may pass by-laws for establishing and laying out new roads and for amending the by-law passed under section 28 by adding such new roads to the regional road system, and the provisions of the *Municipal Act* with respect to the establishment and laying out of highways by municipalities apply with necessary modifications. 1973, c. 78, s. 39.

New roads

R.S.O. 1980, c. 302

38.—(1) With respect to the roads in the regional road system and the regulation of traffic thereon, the Regional Corporation has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation of a city by the *Municipal Act*, the *Highway Traffic Act* and any other Act with respect to highways.

Powers and liabilities of Regional Corporation

R.S.O. 1980, cc. 302, 198

(2) The Regional Council or the council of any area municipality may by by-law designate any lane on any road over which it has jurisdiction as a lane solely or principally

Establishment of bus lanes

for use by public transit motor vehicles and prohibit or regulate the use thereof by vehicles other than public transit vehicles to such extent and for such period or periods as may be specified, and for the purpose of this subsection "public transit motor vehicle" means a motor vehicle owned and operated by, for or on behalf of the Regional Corporation or any area municipality as part of a passenger transportation service. 1973, c. 78, s. 40.

Erection of gasoline pump and advertising device near regional road

39.—(1) The Regional Council may by by-law prohibit or regulate the placing or erecting of,

- (a) any gasoline pump within forty-five metres of any limit of a regional road;
- (b) any sign, notice or advertising device within 400 metres of any limit of a regional road. 1973, c. 78, s. 41 (1); 1978, c. 87, s. 47 (1).

Permits

(2) A by-law passed under this section may provide for the issuing of permits for the placing or erecting of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor. 1973, c. 78, s. 41 (2).

By-laws of area municipalities regulating traffic

40.—(1) No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force unless it has been approved by the Regional Council. 1973, c. 78, s. 42 (1); 1976, c. 43, s. 99 (1).

Regional Council may approve by-law in whole or in part

(2) A by-law submitted for approval of the Regional Council in compliance with subsection (1) may be approved in whole or in part and, where part of a by-law is approved only, that part only shall become operative.

Withdrawal of approval

(3) The Regional Council may withdraw its approval to any by-law or any part thereof by notice sent by registered mail to the clerk of the area municipality and such by-law or part thereof shall be deemed to be repealed twenty-one days after the sending of the notice. 1976, c. 43, s. 99 (2).

Signal-light devices

(4) All signal-light traffic control devices heretofore or hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the Regional Council, and the Regional Council may delegate any of its powers in respect of the operation of such devices to an officer of the Regional Corporation designated in the by-law.

(5) The Regional Corporation may contribute toward the cost of the erection of signal-light traffic control devices erected by an area municipality. 1973, c. 78, s. 42 (2, 3).

Contributions toward costs of signal-lights

(6) Subject to the *Highway Traffic Act*, the Regional Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of thirty metres on either side of the limit of a regional road, and, where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict. 1973, c. 78, s. 42 (4); 1978, c. 87, s. 47 (2).

Traffic control within thirty metres of regional roads
R.S.O. 1980, c. 198

41. The Regional Council may by by-law authorize agreements between the Regional Corporation and the owners or lessees of land abutting on a highway for the construction, maintenance and use of walks for pedestrians over, across or under the highway upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof, and for leasing or licensing the use of untravelled portions of such walks and adjoining lands to persons for such considerations and upon such terms and conditions as may be agreed. 1973, c. 78, s. 43.

Agreements for pedestrian walks

42.—(1) Sections 292 and 294 of the *Municipal Act* do not apply to a bridge or highway crossing or forming a boundary between the Regional Area and an adjoining municipality where such bridge or highway is included in the regional road system and in the road system of the municipality.

Disputes as to maintenance, etc., of bridges and highways
R.S.O. 1980, c. 302

(2) Where there is a difference between the Regional Council and the council of a municipality in respect of any such bridge or highway as to the corporation upon which the obligation rests for the constructing or maintaining of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the Regional Council and the council of the municipality are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the Regional Corporation or the corporation of the municipality.

Idem

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality and of the Regional Corporation, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities in regard to such bridge or highway, and the

Hearing by O.M.B.

Municipal Board may make such order with respect to the same as it may consider just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute toward the building and maintaining of such bridge or highway.

Term of
order

(4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive. 1973, c. 78, s. 44.

Boundary
bridges
between
area muni-
cipalities
R.S.O. 1980,
c. 302

43. Clause 261 (1) (b) of the *Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities, and the councils of the area municipalities on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system. 1973, c. 78, s. 45.

Boundary
bridges
between
Regional
Area and
adjoining
municipality

44. Section 276 of the *Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the Regional Area and an adjoining municipality, and the councils of the area municipality and the adjoining local municipality on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system. 1973, c. 78, s. 46.

Restrictions

45.—(1) The Regional Council has, with respect to all land lying within a distance of forty-five metres from any limit of a regional road, all the powers conferred on the council of a local municipality by section 39 of the *Planning Act*. 1973, c. 78, s. 47 (1); 1978, c. 87, s. 47 (3).

R.S.O. 1980,
c. 379

Conflict
with local
by-laws

(2) In the event of conflict between a by-law passed under subsection (1) by the Regional Council and a by-law passed under section 39 of the *Planning Act* or a predecessor of such section by the council of a local municipality that is in force in the area municipality in which the land is situate, the by-law passed by the Regional Council prevails to the extent of such conflict. 1973, c. 78, s. 47 (2).

Controlled-
access roads

46.—(1) The Regional Council may by by-law designate any road in the regional road system, or any portion thereof, as a controlled-access road.

Closing
municipal
roads

(2) Subject to the approval of the Municipal Board, the Regional Council may by by-law close any municipal road that intersects or runs into a regional controlled-access road.

Notice of
application
for approval
for closing
road

(3) The Municipal Board may direct that notice of any application for approval of the closing of a road under this

section shall be given at such time, in such manner and to such persons as the Municipal Board may determine, and may further direct that particulars of objections to the closing shall be filed with the Municipal Board and the Regional Corporation within such time as the Municipal Board shall direct.

(4) Upon the hearing of the application for approval of the closing of a road, the Municipal Board may make such order as it considers proper refusing its approval or granting its approval upon such terms and conditions as it considers proper, and any order of the Municipal Board approving of the closing of a road may contain provisions, ^{Order of O.M.B.}

- (a) determining the portion or portions of the road that shall be closed;
- (b) providing for the payment of the costs of any person appearing on such application and fixing the amount of such cost; and
- (c) providing for the doing of such other acts as in the circumstances it considers proper.

(5) Upon the approval of the Municipal Board being so obtained but subject to the provisions of the order of the Municipal Board made on the application for such approval, the Regional Corporation may do all such acts as may be necessary to close the road in respect of which the application is made. ^{Closing road}

(6) The Regional Corporation, or any person including an area municipality, that has filed particulars of an objection may, with the leave of the Divisional Court, appeal to that court from any order made under subsection (4). ^{Appeal}

(7) Application for leave to appeal shall be made within thirty days after the date of the determination or order of the Municipal Board subject to the rules of the court as to vacations. ^{Time for appeal}

(8) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may consider just. ^{Leave to appeal}

(9) The practice and procedure as to the appeal and matters incidental thereto shall be in accordance with the rules of court and the decision of the Divisional Court is final. ^{Practice and procedure on appeal}

R.S.O. 1980,
c. 347, s. 95
not to apply

(10) Section 95 of the *Ontario Municipal Board Act* does not apply to an appeal under this section. 1973, c. 78, s. 48.

Private
roads, etc.,
opening upon
regional
controlled-
access road

47. The Regional Council may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a regional controlled-access road. 1973, c. 78, s. 49.

Notice

48.—(1) The Regional Corporation may give notice to the owner of any land requiring him to close up any private road, entranceway, structure or facility constructed or used as a means of access to a regional controlled-access road in contravention of a by-law passed under section 47.

Service of
notice

(2) Every notice given under subsection (1) shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail shall be deemed to have been received on the fifth day following the mailing thereof.

Failure to
comply with
notice

(3) Where the person to whom notice is given under subsection (1) fails to comply with the notice within thirty days after its receipt, the Regional Council may by resolution direct any officer, employee or agent of the Regional Corporation to enter upon the land of such person and do or cause to be done whatever may be necessary to close up the private road, entranceway, structure or facility as required by the notice.

Offence

(4) Every person who fails to comply with a notice given under subsection (1) is guilty of an offence and on conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence.

Compensa-
tion

(5) Where a notice given under subsection (1) has been complied with, no compensation is payable to the owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a controlled-access road designated under subsection 46 (1) was constructed or used, as the case may be,

(a) before the day on which the by-law designating the road as a controlled-access road became effective;
or

(b) in compliance with a by-law passed under section 47, in which case the making of compensation is subject to any provisions of such by-law. 1973, c. 78, s. 50.

49.—(1) Subject to subsection (2), no area municipality shall have any right to compensation or damages for any road forming part of the regional road system. Regional liability where road forms part of system

(2) Where a road forms part of the regional road system, Idem the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under the *Local Improvement Act* is payable as the owners' share of a local improvement work. R.S.O. 1980, c. 250 1973, c. 78, s. 51 (1, 2).

(3) Where the Regional Corporation fails to make any payment Default required by subsection (2) on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 115.

(4) In the event of any doubt as to whether any out- Settling of doubts standing debt or portion thereof is a debt in respect of the road forming part of the regional road system, the Municipal Board, upon application, may determine the matter and its decision is final. 1973, c. 78, s. 51 (4).

50.—(1) Where an area municipality intends to stop up a Stopping-up highways highway or part of a highway, it shall so notify the Regional Corporation by registered mail.

(2) If the Regional Council objects to such stopping up, Agreement it shall notify the council of the area municipality by registered mail within sixty days of the receipt of the notice required under subsection (1) and the highway or part thereof shall not be stopped up except by agreement between the area municipality and the Regional Council and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final. 1973, c. 78, s. 52.

(3) No area municipality shall open up, establish or assume for public use any highway which intersects with or enters upon any highway in the regional road system without the prior written approval of the Regional Corporation. Approval required to intersect regional road 1973, c. 147, s. 3.

Application of
R.S.O. 1980,
c. 421

51. Sections 101, 103, 105, 108 and 111 of the *Public Transportation and Highway Improvement Act* apply with necessary modifications with respect to any road in the regional road system. 1973, c. 78, s. 54.

PART IV

REGIONAL WATERWORKS SYSTEM

Supply and
distribution
of water
by Regional
Corporation

52.—(1) On and after the 1st day of January, 1975, the Regional Corporation shall have the sole responsibility for the supply and distribution of water in the Regional Area, including the establishment, construction, maintenance, operation, improvement and the extension of waterworks systems and the financing thereof and all the provisions of any general Act relating to such supply and distribution of water and the financing thereof by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to such supply and distribution of water and the financing thereof by an area municipality or a local board thereof, apply with necessary modifications to the Regional Corporation, except the power to establish a public utilities commission.

Method of
financing

(2) The Regional Corporation may finance the whole or any part of the cost and debt charges of such supply and distribution of water by establishing one or more urban service areas with the approval of the Municipal Board and raising the moneys required by imposing a rate or rates in such area or areas or may raise the moneys required by any other method or methods authorized by law or by any combination thereof.

Preparation
of special
assessment
rolls and
collection
of special
assessments
R.S.O. 1980,
c. 250

(3) If the Regional Corporation proceeds under the *Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the Regional Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the Regional Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the Regional Corporation.

Regional
Corporation
may require
area municipality to
collect
moneys

(4) Where the Regional Corporation does not proceed under the *Local Improvement Act* or under section 218 of the *Municipal Act*, the Regional Corporation may require any

R.S.O. 1980,
cc. 250, 302

area municipality to collect the sums required for financing such supply and distribution of water either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality and such special rate does not require the approval of the Municipal Board.

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to such supply and distribution of water without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

Approval of
O.M.B. to
undertaking,
etc.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection (5) and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

Powers of
O.M.B.

(7) Subject to subsection (13), on or after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for such supply and distribution of water, or the financing thereof.

Area municipalities, no
power to
supply and
distribute
water

(8) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely for the purpose of the supply and distribution of water and all other assets, liabilities and surpluses or deficits, including reserves, of the local municipalities relating to any facility for such supply and distribution of water in the Regional Area or for any area municipality is vested in the Regional Corporation effective the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Vesting of
property in
Regional
Corporation

(9) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under subsection (8), but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that, under the *Local Improvement Act*, is payable as the owners' share of a local improvement work. 1974, c. 117, s. 51, *part*.

Payments of
principal
and interest
to area
municipalities

R.S.O. 1980,
c. 250

Default

(10) If the Regional Corporation fails to make any payment as required by subsection (9), the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 116.

Agreements

(11) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting such supply and distribution of water, the Regional Corporation shall, on and after the 1st day of January, 1974, stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Idem

(12) The Regional Corporation may enter into agreements with the corporation of any adjoining municipality, including a regional, district or metropolitan municipality, with respect to the matters provided for in this Part.

Idem

(13) The Regional Corporation may enter into an agreement with any area municipality or local board thereof regarding the recovery of the cost of the supply and distribution of water.

Entry by clerk on collector's roll

(14) The clerk of an area municipality shall, on notice to him by the treasurer of the Regional Corporation of an amount due in respect of the supply of water and by whom it is due and the lands on which a lien is claimed, enter the amount due upon the collector's roll of the area municipality and subsections 30 (2), (3) and (4) of the *Public Utilities Act* apply and the moneys collected shall be forwarded to the treasurer of the Regional Corporation.

R.S.O. 1980,
c. 423

Existing urban service areas

(15) All urban service areas as they exist on the 31st day of December, 1974, pertaining to the purposes of this Part, in an area municipality continue until such time as the Regional Council otherwise determines. 1974, c. 117, s. 51, *part.*

PART V

REGIONAL SEWAGE WORKS

Regional Corporation responsibility for collection and disposal of sewage

53.—(1) On and after the 1st day of January, 1975, the Regional Corporation shall, except as provided in subsection (12), have the sole responsibility for the collection and disposal of all sewage in the Regional Area, including the establishment, construction, maintenance, operation and financing thereof, and all the provisions of any general Act relating to such collection and disposal of such sewage and the financing thereof by a municipal corporation or a local board thereof and all the provisions of any special Act relating to such collection and disposal of such sewage and

the financing thereof by an area municipality or a local board thereof apply with necessary modifications to the Regional Corporation, except the power to establish a public utilities commission. 1974, c. 117, s. 51, *part*.

(2) The Regional Corporation may finance the whole or any part of the cost, including the establishment, construction, maintenance, operation and debt charges, of collection and disposal of sewage,

Method of financing

(a) by imposing a surcharge on the water rate, which does not require the approval of the Municipal Board, and such surcharge shall be collectable in the same manner as water rates and shall be deemed to be a user charge and no property shall be exempt from such charge by reason only that it is exempt from taxation under section 3 of the *Assessment Act*;

R.S.O. 1980, c. 31

(b) by establishing one or more urban service areas with the approval of the Municipal Board and imposing a rate or rates in such area or areas; or

(c) by any method or methods authorized by law or by any combination thereof. 1974, c. 117, s. 51, *part*; 1976, c. 70, s. 50.

(3) If the Regional Corporation proceeds under the *Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the Regional Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the Regional Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the Regional Corporation.

Preparation of special assessment rolls and collection of special assessments
R.S.O. 1980, c. 250

(4) Where the Regional Corporation does not proceed by imposing a surcharge on the water rate, or under the *Local Improvement Act*, or under section 218 of the *Municipal Act*, the Regional Corporation may require any area municipality to collect the sums required for financing the collection and disposal of sewage either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality and such special rate does not require the approval of the Municipal Board.

Regional Corporation may require area municipality to collect moneys required
R.S.O. 1980, cc. 250, 302

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to the collection and disposal

Approval of O.M.B. to undertaking, etc.

of sewage without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

Powers of
O.M.B.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection (5) and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

No area
municipality
to collect
and dispose
of sewage

(7) Subject to subsection (15), on and after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for the collection and disposal of sewage, or the financing thereof, except as provided in subsection (12).

Vesting of
property in
Regional
Corporation

(8) All sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage, including all assets and liabilities, surpluses, reserves and deficits of an area municipality relating thereto, except as provided in subsection (12), and all real and personal property of any nature whatsoever used solely for the purpose of the collection and disposal of such sewage in the Regional Area by any area municipality are vested in the Regional Corporation on the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Regional
Corporation
liability

(9) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under subsection (8), but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under the *Local Improvement Act*, is payable as the owners' share of the local improvement work. 1974, c. 117, s. 51, *part*.

R.S.O. 1980,
c. 250

Default

(10) If the Regional Corporation fails to make any payment as required by subsection (9), the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 117.

(11) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting the interception, collecting, settling, treating, dispersing, disposing or discharging of sewage, except as provided for in subsection (12), the Regional Corporation shall stand in the place and stead of such municipality or local board for all purposes of any such agreement. ^{Agreements}

(12) Subject to subsection (13), each area municipality is responsible for land drainage, including storm, surface, overflow, subsurface, or seepage waters or other drainage from land, within the municipality and including the drainage of any road in the municipality that does not form part of the regional road system. ^{Area municipality responsibility for storm drainage}

(13) The Regional Corporation may undertake such land drainage, including the assumption of any work or works of an area municipality pertaining thereto, in the whole or any part or parts of the Regional Area, and where the Regional Corporation does so the provisions of this Part apply, with necessary modifications, to the establishment, construction, maintenance, operation and financing thereof. ^{Regional Corporation may undertake land drainage program}

(14) The Regional Corporation may enter into agreements with the corporation of any adjoining municipality, including a regional, district or metropolitan municipality with respect to the matters provided for in this Part. ^{Agreements}

(15) The Regional Corporation may enter into an agreement with any area municipality or local board thereof regarding the recovery of costs of the collection and disposal of sewage. ^{Idem}

(16) All urban service areas as they exist on the 31st day of December, 1974, pertaining to the purposes of this Part, in an area municipality continue until such time as the Regional Council otherwise determines. 1974, c. 117, s. 51, *part.* ^{Existing urban service areas}

PART VI

MUNICIPAL HYDRO-ELECTRIC SERVICE

54. In this Part,

Interpre-
tation

- (a) “accumulated net retail equity” means the portion of equity accumulated through debt retirement appropriations recorded for the Rural Power District relating to

Ontario Hydro's rural retail system plus the portion of the balance recorded for customers in the Stabilization of Rates and Contingencies Account, in the books of Ontario Hydro;

- (b) "municipal commission" means a hydro-electric commission or public utilities commission entrusted with the control and management of works for the retail distribution and supply of power in the Regional Area immediately before the 22nd day of June, 1979 and established or deemed to be established under Part III of the *Public Utilities Act*;
- (c) "power" means electrical power and includes electrical energy;
- (d) "regulations" means the regulations made under this Part;
- (e) "retail", when used in relation to the distribution and supply of power, refers to the distribution and supply of power at voltages less than 50 kilovolts, but does not refer to works located within a transformer station that transform power from voltages greater than 50 kilovolts to voltages less than 50 kilovolts. 1979, c. 71, s. 1, *revised*.

R.S.O. 1980,
c. 423

Commissions
continued
1979, c. 71

55.—(1) The hydro-electric commission established by *The Durham Municipal Hydro-Electric Service Act, 1979* for each area municipality is continued.

Application
of
R.S.O. 1980,
cc. 423, 384

(2) Each commission shall be deemed to be a commission established under Part III of the *Public Utilities Act* and a municipal commission within the meaning of the *Power Corporation Act*.

Names of
commissions

(3) Each commission shall be known by the name set out below that relates to the area municipality in respect of which the commission was established:

1. Ajax Hydro-Electric Commission.
2. Brock Hydro-Electric Commission.
3. Newcastle Hydro-Electric Commission.
4. Oshawa Public Utilities Commission.
5. Pickering Hydro-Electric Commission.
6. Scugog Hydro-Electric Commission.

7. Uxbridge Hydro-Electric Commission.
8. Whitby Hydro-Electric Commission.

(4) Each commission shall consist of the mayor of the area municipality in respect of which the commission is established and additional members who are qualified electors under the *Municipal Elections Act* in the area municipality. Composition R.S.O. 1980, c. 308

(5) Except as otherwise provided in this Part, the council of each area municipality shall determine by by-law whether the number of additional members of the commission established in respect of the area municipality shall be two or four. 1979, c. 71, s. 2 (1-5). When area municipality may determine size of commission

(6) For the term commencing on the 21st day of June, 1979 and expiring with the 30th day of November, 1982, the Pickering Hydro-Electric Commission shall consist of the mayor of the Town of Pickering and four additional members who shall be appointed by the council of the Town of Pickering. 1979, c. 71, s. 2 (10). First commission, Pickering

(7) For terms commencing after the 30th day of November, 1980, or, for the Pickering Hydro-Electric Commission, the 30th day of November, 1982, the additional members of each commission shall be elected by a general vote of the electors of the area municipality served by the commission, unless before the 1st day of July, 1980 or, for the Pickering Hydro-Electric Commission, the 1st day of July, 1982, the council of the area municipality provides by by-law that the additional members shall be appointed by the council or that the additional members shall be elected by wards. Additional members of commissions

(8) Where, under subsection (7), the council of an area municipality provides that the additional members shall be elected by wards and the number of additional members is greater than the number of wards, one of the additional members shall be elected from each ward and the balance of the additional members shall be elected by general vote of the electors in the area municipality. Election by wards

(9) Notwithstanding subsection (7), where the number of additional members is less than the number of wards, the council of the area municipality shall not provide that the additional members be elected by wards. Idem

(10) Members of the council of the area municipality served by a commission may be members of the commission, but the members of the council shall not form a majority of the commission. Eligibility of members of council

(11) Subject to subsection (6), a member of a commission shall hold office for the same term as the members of council or until his successor is elected or appointed. Term of office

Delegates

(12) The council of an area municipality served by a commission may, by by-law passed with the written consent of the mayor, appoint a delegate from among the members of the council to represent the mayor on the commission. 1979, c. 71, s. 2 (15-20).

Resignations

(13) A resignation from the council of an area municipality of a member of the council who is a member of a commission shall be deemed to be a resignation from both the council and the commission. 1979, c. 71, s. 2 (22).

Powers of
commissions
R.S.O. 1980,
c. 423

56.—(1) Except as herein provided, all the powers, rights, authorities and privileges that are conferred by the *Public Utilities Act* on a municipal corporation with respect to power shall, on and after the 1st day of January, 1980, be exercised on behalf of each area municipality by the commission established in respect of the area municipality and not by the council of any municipality or any other person.

Right to
distribute
and supply
power

(2) Subject to sections 57 and 58, on and after the 1st day of January, 1980, each commission has the sole right to distribute and supply power within the area municipality in respect of which it is established.

Subsisting
contracts

(3) The right of a commission to distribute and supply power is subject to any subsisting contracts for the supply of power made under section 70 of *The Power Corporation Act*, being chapter 354 of the Revised Statutes of Ontario, 1970.

Contract
with
Ontario
Hydro

(4) A commission may contract with Ontario Hydro without electoral assent or other approval or authorization for the transmission and supply to the commission of power to be distributed and sold in the area municipality served by the commission.

Idem
R.S.O. 1980,
c. 302

(5) A contract under subsection (4) shall be deemed to be an agreement within the meaning of clause 149 (2) (s) of the *Municipal Act*.

Application of
R.S.O. 1980,
c. 384

(6) Except where inconsistent with the provisions of this Act, the provisions of the *Power Corporation Act* applicable to a municipal corporation that has entered into a contract with Ontario Hydro for the distribution and supply of power to the municipal corporation apply to the commissions.

Direct
customers

(7) With the consent of a commission, Ontario Hydro may distribute and supply power directly to customers in the area municipality in respect of which the commission is established. 1979, c. 71, s. 3.

Where
Ontario
Hydro to
distribute
and supply
power

57.—(1) Ontario Hydro shall continue to distribute and supply power in those areas of the Town of Newcastle, and the

townships of Brock, Scugog and Uxbridge that Ontario Hydro served immediately before the 22nd day of June, 1979.

(2) The duty of Ontario Hydro under subsection (1) to distribute and supply power in an area municipality is terminated, on the date specified in the by-law, by a by-law passed with the consent of Ontario Hydro by the council of the area municipality under clause 58 (1) (a). Termination of duty to distribute and supply power

(3) Sections 60 and 63 do not apply in respect of the assets and employees of Ontario Hydro in an area municipality until the passing of the by-law referred to in subsection (2). 1979, c. 71, s. 4. Assets and employees

58.—(1) The council of each of the Town of Newcastle and the townships of Brock, Scugog and Uxbridge, with the consent of Ontario Hydro and without the assent of the municipal electors, by by-law, Supply of power in all areas of municipalities of Brock, Newcastle, Scugog, Uxbridge

(a) may direct the commission established in respect of the municipality to commence on a day specified by the by-law the distribution and supply of power in all areas of the municipality and on the specified day sections 60 and 63 shall apply with necessary modifications to the assets and employees of Ontario Hydro in the municipality; or

(b) may dissolve the commission established in respect of the municipality on a day specified by the by-law and on the specified day,

(i) all assets under the control and management of and all liabilities of the commission, and all debentures issued in respect of the distribution and supply of power in the municipality are, without compensation, assets and liabilities of Ontario Hydro, and

(ii) Ontario Hydro shall commence to distribute and supply power in all areas of the municipality.

(2) Until such time as the power conferred by subsection (1) has been exercised, Review of distribution and supply of power

(a) the council of each of the Town of Newcastle and the townships of Brock, Scugog and Uxbridge shall review the distribution and supply of power within their respective municipalities at least once in every three years and shall determine by resolution whether or not it is financially feasible to exercise the power conferred by subsection (1); and

- (b) where the council of the Town of Newcastle or the townships of Brock, Scugog and Uxbridge determines as provided in clause (a) that it is financially feasible for the commission established in respect of the municipality to distribute and supply power in the entire municipality, the council, subject to the approval of Ontario Hydro, shall exercise the power conferred by subsection (1). 1979, c. 71, s. 5.

Transfer of
assets and
liabilities

59.—(1) On the 1st day of January, 1980, all assets under the control and management of and all liabilities of the municipal commissions in each area municipality are, without compensation, assets under the control and management of and liabilities of the commission established in respect of the area municipality.

Transitional

(2) Any of the assets, powers and responsibilities of the municipal commissions in an area municipality that pertain to the distribution and supply of power in the area municipality may be transferred by agreement before the 1st day of January, 1980 to the commission established in respect of the area municipality. 1979, c. 71, s. 6.

Purchase
of retail
distribution
facilities
from Ontario
Hydro

60.—(1) On or before the 1st day of January, 1980, each commission shall purchase, on behalf of the area municipality served by the commission, and Ontario Hydro shall sell to the commission the assets and liabilities of Ontario Hydro that pertain to the distribution and supply of power at retail in the area municipality.

Leased
equipment

(2) The purchases mentioned in subsection (1) shall include equipment leased by Ontario Hydro to retail customers in the area municipalities for the use of power supplied to the retail customers.

Purchase
price

(3) The purchase price shall be determined in accordance with the regulations and shall be equal to the original cost of the assets less the sum of,

(a) the accumulated net retail equity of the customers supplied with power through the assets; and

(b) the accumulated depreciation associated with the assets.

Where price
to be
determined
by
arbitration

(4) If the purchase price under subsection (3) is not determined before the 1st day of January, 1981, either of the parties at any time thereafter may request that the purchase price be determined either by a single arbitrator agreed on by the parties or by a board of arbitration.

(5) Where a request is made under subsection (4) for a determination by a single arbitrator and the parties are unable to agree on an arbitrator within thirty days after the making of the request, either of the parties may request that the purchase price be determined by a board of arbitration.

Where parties are unable to agree on single arbitrator

(6) Where a request is made under subsection (4) or (5) that the purchase price be determined by a board of arbitration,

Arbitration board

- (a) within fourteen days after the request, each party to the arbitration shall appoint a person as a member of the board of arbitration and shall give notice to the other party of the name and address of the person;
- (b) the two members of the board of arbitration, within ten days after the giving of the notice of appointment of the second of them, shall appoint a third person to be chairman of the board of arbitration and the chairman shall give notice of his appointment to the parties; and
- (c) if a party fails to appoint a member to a board of arbitration in accordance with clause (a) or if the members do not appoint a chairman in accordance with clause (b), or in the event of the absence or inability to act or of a vacancy in the office of a member or the chairman of a board of arbitration, either party may apply on notice to the other party to the Divisional Court and the court may appoint the member or chairman.

(7) Except as otherwise provided in this section, the *Arbitrations Act* applies to subsections (4), (5) and (6).

Application of R.S.O. 1980, c. 25

(8) In subsections (4), (5) and (6), “parties” means Ontario Hydro and, in each case, the commission established by section 55. 1979, c. 71, s. 7.

Interpretation

61.—(1) All real property transferred by section 59 to the control and management of a commission or otherwise acquired by or for the commission shall be held by the commission in trust for the area municipality served by the commission.

Vesting of real property

(2) Where a commission is of the opinion, and so declares by resolution, that any real property under its control and management is not required for its purposes, unless otherwise agreed upon by the commission and the area municipality served by the commission, the real property may be disposed of as follows:

Disposition of real property

1. In the event that the area municipality served by the commission wishes in good faith to use the real property for a municipal purpose, it shall compensate the com-

mission for the real property at its actual cost, less accrued depreciation as shown on the books of the commission or the assessed value of the real property, whichever is the greater, and when the municipality in good faith no longer wishes to use the real property for a municipal purpose, the area municipality may sell, lease or otherwise dispose of the real property without the assent of Ontario Hydro and may retain the proceeds of the sale, lease or disposition as municipal funds.

2. In the event that the municipality served by the commission does not wish to use the real property in accordance with paragraph 1, the commission shall, as soon as practicable, sell, lease or otherwise dispose of the real property at fair market value on behalf of the municipality and the net proceeds derived from the sale, lease or other disposition of the real property or the compensation paid therefor under this subsection shall be received by the commission and shall be applied in accordance with the *Public Utilities Act*. 1979, c. 71, s. 8.

R.S.O. 1980,
c. 423

Borrowing

62. Except as otherwise provided in this Part, sections 105 to 128 apply, with necessary modifications, to any borrowing for the purposes of a commission. 1979, c. 71, s. 9.

Interpre-
tation

63.—(1) In this section, “transfer date”, when used in respect of an employee of a municipal commission or Ontario Hydro, means the date on which a commission assumes liability for the payment of the wages or salary of the employee.

Transfer of
employees

(2) On or before the 31st day of December, 1979, Ontario Hydro and each municipal commission that supplied power in an area municipality immediately before the 22nd day of June, 1979 shall designate those of their full-time employees who were employed in the distribution and supply of power in an area municipality on the 1st day of January, 1979, and who continued such employment until the 31st day of December, 1979 or until their transfer dates, as the case may be, and each commission shall offer employment to the employees designated in respect of the area municipality served by the commission.

Wages or
salaries

(3) A person who accepts employment under this section is entitled to receive, for a period of one year commencing on the transfer date, a wage or salary not less than the wage or salary he was receiving on the day nine months before the transfer date.

Partici-
pation in
O.M.E.R.S.

(4) Each commission shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the 22nd day of June, 1979, and a person who accepts employment

under this section shall be deemed to continue or to become a member of the System, as the case requires, on his transfer date, and the *Ontario Municipal Employees Retirement System Act* R.S.O. 1980, c. 348 applies to such person as a member of the System.

(5) When a person who accepts employment under this section with a commission is entitled immediately before his transfer date to the benefit of a supplementary agreement between the Ontario Municipal Employees Retirement Board and a municipal commission that, immediately before the 22nd day of June, 1979, supplied power in an area municipality mentioned in subsection 55 (1), the commission shall assume, in respect of the person, all rights and obligations under the supplementary agreement as if the commission had been a party to the agreement in the place of the municipal commission. Supplementary agreements

(6) Where a person who accepts employment under this section is a contributor to The Pension and Insurance Fund of Ontario Hydro immediately before his transfer date, the present value of the pension earned by the person in The Pension and Insurance Fund of Ontario Hydro at the transfer date or the contributions of the person in the Fund with interest accumulated and credited to the person in the Fund, whichever is the greater, shall be transferred to the Ontario Municipal Employees Retirement Fund and the person shall be given credit in the Ontario Municipal Employees Retirement System for a period of service equal to the period of service for which he was given credit in The Ontario Hydro Pension and Insurance Plan. Transfer of pension credits from Ontario Hydro Plan

(7) Notwithstanding subsection (4), a person who accepts employment under this section with a commission and who, Pension guarantee

(a) was employed by Ontario Hydro immediately before his transfer date; and

(b) continues in the employment of the commission until he or his beneficiary becomes entitled to a pension benefit,

is entitled to at least the pension benefit he would have been entitled to under The Ontario Hydro Pension and Insurance Plan if his years of continuous service with the commission had been additional years of continuous service with Ontario Hydro and if there had been no change in the Plan after the 31st day of December, 1979, calculated on the basis of the wage or salary paid to the person by Ontario Hydro and the commission, and the cost, if any, of the pension benefit over the cost of the pension benefit to which the person is entitled under subsection (4) shall be apportioned and paid as provided by the regulations.

(8) A person who accepts employment under this section is entitled as a term of his employment to continue as a member of Group life insurance

the group life insurance plan in which he was a member with his former employer until the effective date of a common group life insurance plan covering all eligible employees of his new employer.

Idem

(9) On or before the 31st day of December, 1981, each commission shall provide a common group life insurance plan covering all of the eligible employees of the commission, and the plan shall provide to any person accepting employment under this section, by option or otherwise, insurance coverage not inferior to the insurance coverage to which the person was entitled immediately before his transfer date.

Sick leave

(10) A person who accepts employment under this section shall continue to enjoy the rights and benefits of sick leave entitlements or sick leave insurance provided by his former employer immediately before the transfer date until the new employer establishes a sick leave entitlement plan or sick leave insurance plan, and thereupon the person shall receive allowance or credit for any accrued sick leave rights or benefits.

Life insurance provided to pensioners

(11) Each commission shall continue the provision of life insurance to pensioners formerly employed by a municipal commission in the distribution and supply of power in the area municipality served by the commission.

Termination for cause

(12) Nothing in this section prevents an employer from terminating the employment of an employee for cause.

Special circumstances

(13) Where, in the opinion of the Minister, a person who is designated or who accepts employment under this section experiences any difficulty or hardship with regard to life insurance benefits, pension rights, pension benefits or sick leave rights or benefits, the Minister by order may do anything necessary to remedy or alleviate such difficulty or hardship. 1979, c. 71, s. 10.

Oshawa bus transportation system

64.—(1) On and after the 1st day of January, 1980, the control and management of the bus transportation system operated by the Public Utilities Commission of the City of Oshawa is entrusted to the Oshawa Public Utilities Commission.

Application of ss. 59, 63

(2) Sections 59 and 63 apply with necessary modifications in respect of the bus transportation system operated by the Public Utilities Commission of the City of Oshawa. 1979, c. 71, s. 11.

Application of 1960, c. 160

(3) *The City of Oshawa Act, 1960* applies, with necessary modifications, in respect of the bus transportation system referred to in subsection (1) and for the purpose, a reference in *The City of Oshawa Act, 1960* to the "Commission" shall be deemed to be a

reference to the Oshawa Public Utilities Commission. 1980, c. 2, s. 1.

65. With respect to the Pickering Hydro-Electric Commission each date mentioned in sections 56, 60 and 63 shall be deemed to be a date six months after the mentioned date. 1979, c. 71, s. 12. Pickering Hydro-Electric Commission

66. For the purposes of section 143 of *The Regional Municipality of Durham Act, 1973*, the 1st day of January, 1980 is the date determined by the Minister in respect of the Regional Area, and on that date the municipal commissions are dissolved and the by-laws establishing them passed under sections 37 and 39 of the *Public Utilities Act* shall be deemed to be repealed and the assent of the municipal electors is not required. 1979, c. 71, s. 13. Dissolution of existing commissions 1973, c. 78 R.S.O. 1980, c. 423

67. The Lieutenant Governor in Council may make regulations, Regulations

(a) for the purpose of subsection 60 (3) in respect of,

- (i) the method of determining the original cost of the assets or of any asset or of any part of any asset,
- (ii) the allocation of the original cost of the assets or of any asset or of any part of any asset,
- (iii) the method of determining the amount of any component of the accumulated net retail equity,
- (iv) the allocation of the accumulated net retail equity or any component of the accumulated net retail equity,
- (v) the method of calculating accumulated depreciation of any component of accumulated depreciation,
- (vi) the allocation of accumulated depreciation or any component of accumulated depreciation,
- (vii) the method of payment of the price of the assets;

(b) for the purposes of subsection 63 (7), in respect of the apportionment of the excess cost of any benefit referred to in the subsection and the payment of the excess cost or any part thereof. 1979, c. 71, s. 14.

PART VII

PLANNING

Planning
area
R.S.O. 1980,
c. 379

68.—(1) The Regional Area is continued as a planning area under the *Planning Act* known as the Regional Municipality of Durham Planning Area and no area municipality shall be a planning area under the *Planning Act*.

Planning
areas
dissolved

(2) All planning areas and subsidiary planning areas that are included in the Regional Municipality of Durham Planning Area together with the boards thereof are dissolved on the 31st day of December, 1973.

Official
plans
preserved

(3) All official plans in effect in any part of the Regional Area, on and after the 1st day of January, 1974, remain in effect as official plans of the Regional Municipality of Durham Planning Area and when an official plan adopted by the Regional Council has been approved by the Minister of Housing all other official plans shall be amended forthwith to conform therewith.

Effect of
official plan

(4) When the Minister of Housing has approved an official plan adopted by the Regional Council, every by-law passed under section 39 of the *Planning Act* or a predecessor thereof then in effect in the planning area affected thereby shall be amended forthwith to conform therewith. 1973, c. 78, s. 59; 1976, c. 70, s. 51.

District
planning
areas

69.—(1) The Regional Council may designate any area municipality within the Regional Municipality of Durham Planning Area as a district planning area for such period and on such terms and conditions as the Regional Council considers necessary.

Preparation
of district
plan

(2) Upon designation of an area municipality as a district planning area under subsection (1), the Regional Council shall authorize the council of the affected area municipality to prepare a district plan. 1973, c. 78, s. 60.

Planning
duties of
area
councils

70.—(1) Every council of an area municipality authorized under subsection 69 (2) shall investigate and survey the physical, social and economic conditions in relation to the development of the affected area municipality and may perform such other duties of a planning nature as may be referred to it by the Regional Council and, without limiting the generality of the foregoing, it shall,

- (a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the affected area municipality;

- (b) hold public meetings and publish information for the purpose of obtaining the participation and co-operation of the inhabitants of the affected area municipality in determining the solution of problems or matters affecting the development of the affected area municipality;
- (c) consult with any local board having jurisdiction within the affected area municipality; and
- (d) prepare a plan for the district planning area and forward it to the Regional Council for approval.

(2) The Regional Council shall, with respect to plans submitted to it under clause (1) (d), Powers of Regional Council

- (a) approve the plan, after amendment if the Regional Council deems it necessary, and forward it to the Minister of Housing for approval as an official plan or as an amendment to an official plan, as the case may be; or
- (b) reject the plan,

and the Regional Council may confer with officials of municipalities and any others who may be concerned. 1973, c. 78, s. 61.

71.—(1) The Regional Council shall investigate and survey the physical, social and economic conditions in relation to the development of the Regional Municipality of Durham Planning Area and may perform such other duties of a planning nature as may be referred to it by any council having jurisdiction in the Regional Municipality of Durham Planning Area, and without limiting the generality of the foregoing it shall, Planning duties of Regional Council

- (a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the Regional Municipality of Durham Planning Area;
- (b) hold public meetings and publish information for the purpose of obtaining the participation and co-operation of the inhabitants of the Regional Municipality of Durham Planning Area in determining the solution of problems or matters affecting the development of the Regional Municipality of Durham Planning Area; and
- (c) consult with any local board having jurisdiction within the Regional Municipality of Durham Planning Area.

Official
plan

(2) The Regional Council, before the 31st day of December, 1976, shall prepare, adopt and forward to the Minister of Housing for approval an official plan for the Regional Area.

Appoint-
ment of
planning
staff

(3) The Regional Council and the council of each area municipality may appoint such planning committees and staff as it considers necessary. 1973, c. 78, s. 62 (1-3).

Regional
Corporation
deemed muni-
cipality
under
R.S.O. 1980,
c. 379

(4) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a planning board for the purposes of section 1, subsections 2 (4), (6) and (7), sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26 and 27, subsection 29 (25), sections 36, 50 and 51 of the *Planning Act*, and where the Regional Council meets in respect of matters pertaining to planning for the purposes aforesaid, no separate meeting of the Council as a planning board is required. 1978, c. 33, s. 111.

Idem

(5) The Regional Council shall be deemed to be a county for the purposes of section 47 of the *Planning Act*.

Agreements
re plans of
subdivision

(6) The Regional Corporation may enter into agreements with area municipalities or persons relating to approval of plans of subdivision.

Agreements
re special
studies

(7) The Regional Corporation, with the approval of the Minister of Housing, may enter into agreements with any governmental authority or any agency thereof created by statute for the carrying out of studies relating to the Regional Municipality of Durham Planning Area or any part thereof. 1973, c. 78, s. 62 (5-7).

Committees
of
adjustment

(8) All committees of adjustment heretofore constituted by the council of a local municipality in the Regional Municipality of Durham Planning Area are dissolved on the 31st day of December, 1973, and the council of each area municipality shall by by-law constitute and appoint a committee of adjustment under section 48 of the *Planning Act*, but notwithstanding the provisions of such Act no such committee shall have any authority to grant consents referred to in section 29 of such Act.

Land
division
committee

(9) The Regional Council shall, without notice from the Minister, constitute and appoint a land division committee composed of such number of persons not fewer than three as the Regional Council considers advisable, to grant consents referred to in section 29 of the *Planning Act*. 1973, c. 78, s. 62 (9, 10).

Application of
R.S.O. 1980,
c. 379

72. Except as provided in this Part, the provisions of the *Planning Act* apply to the Regional Corporation. 1973, c. 78, s. 63.

PART VIII

POLICE

73. In this Part, "Durham Police Board" means the Durham Regional Board of Commissioners of Police. 1973, c. 78, s. 64. Interpretation

74.—(1) The board of commissioners of police known as the Durham Regional Board of Commissioners of Police is continued and shall consist of, Durham Regional Board continued

- (a) two members of the Regional Council appointed by resolution of the Regional Council;
- (b) a judge of any county or district court designated by the Lieutenant Governor in Council; and
- (c) two persons appointed by the Lieutenant Governor in Council.

(2) Three members of the Durham Police Board, including a member appointed by the Regional Council, are necessary to form a quorum. 1973, c. 78, s. 65 (1, 2). Quorum

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under the *Police Act*, to the members of the Durham Police Board appointed by the Lieutenant Governor in Council. 1978, c. 33, s. 112. Remuneration

75.—(1) On and after the 1st day of January, 1974, Regional Corporation deemed a city under R.S.O. 1980, c. 381

- (a) the Regional Corporation shall be deemed to be a city having a population of more than 15,000 according to the last municipal census for the purposes of the *Police Act*, except subsections 8 (1) to (4) thereof;

- (b) the *Police Act*, except section 70, does not apply to any area municipality; and

- (c) the Durham Police Board and the members of the Durham Regional Police Force shall be charged with the same duties with respect to by-laws of the area municipalities as with respect to by-laws of the Regional Corporation. 1973, c. 78, s. 66 (1); 1978, c. 33, s. 113.

(2) The fines imposed for the contravention of the by-laws of any area municipality shall, where prosecuted by the Fines

Durham Regional Police Force, belong to the Regional Corporation and, where prosecuted by any other person, belong to the area municipality whose by-law has been contravened. 1973, c. 78, s. 66 (2).

Area
police
force

76.—(1) Every person who is a member of a police force of a local municipality within the Regional Area on the 1st day of April, 1973, and continues to be a member until the 31st day of December, 1973, shall, on the 1st day of January, 1974, become a member of the Durham Regional Police Force, and the provisions of subsection 25 (4) and section 26 apply to such members.

Durham
Regional
Police
Force

(2) Every person who is a member of a police force of a local municipality on the 31st day of December, 1973, and becomes a member of the Durham Regional Police Force on the 1st day of January, 1974, is subject to the government of the Durham Police Board to the same extent as if appointed by the Durham Police Board and the Durham Regional Police Association shall be entitled to make representations to such Board in respect of by-laws and regulations for the government of the Durham Regional Police Force. 1973, c. 78, s. 67 (1, 2).

Terms of
employment

(3) Every person who becomes a member of the Durham Regional Police Force under subsection (1) shall,

- (a) be considered to have elected to participate in the Ontario Municipal Employees Retirement System if he was a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment by the Durham Police Board and such member shall have uninterrupted membership in the Ontario Municipal Employees Retirement System, and to participate in the Ontario Municipal Employees Retirement System Supplementary Plan as established for the City of Oshawa Police Force on and after the 1st day of January, 1974, in respect of service after such date;
- (b) with the exception of civilian employees and assistants, be retired on the last day of the month in which the member attains the age of sixty years;
- (c) have credited to him in the Durham Regional Police Force the total number of years of service that he had in the police force of the local municipality of which he was a member immediately prior to the 1st day of January, 1974;

(d) receive such sick leave credits and benefits in the sick leave credit plan which shall be established by the Durham Police Board as he had standing to his credit in the plan of the local municipality; and

(e) not be transferred without his consent to a detachment farther than a distance of 24.14 kilometres from the detachment headquarters of the police force of which he was a member on the 31st day of December, 1973. 1973, c. 78, s. 67 (3); 1973, c. 176, s. 1 (1); 1978, c. 87, s. 47 (4).

(4) Notwithstanding clause (3) (a), those members of the Durham Regional Police Force who participated in a supplementary pension plan on or before the 31st day of December, 1973, shall continue to participate in such plan, and in respect of those members who did not participate in a supplementary pension plan, the bargaining committee established under subsection (6) and its successor shall be entitled to negotiate with the Durham Police Board in respect of the payment by the Board of contributions into the supplementary pension plan relating to the past service of such members. 1973, c. 176, s. 1 (2).

Supplementary pension plans

(5) Civilian employees and assistants of the Durham Regional Police Force shall be retired on the last day of the month in which such civilian employee or assistant attains the age of sixty-five years.

Civilians, retirement

(6) On or before the 1st day of November, 1973, the members of the municipal police forces within the Regional Area shall appoint a joint bargaining committee to represent all such municipal police forces to bargain with the Durham Police Board in the manner and for the purposes provided in the *Police Act* and the Durham Police Board shall be the sole negotiating body to bargain with such committee. 1973, c. 78, s. 67 (4-5).

Joint bargaining committee

(7) Section 100 of the *Municipal Act* applies with necessary modifications to the Durham Police Board. 1973, c. 78, s. 67 (7).

R.S.O. 1980, c. 381

Application of R.S.O. 1980, c. 302

77.—(1) The Regional Council shall, before the 1st day of January, 1974, pass by-laws which shall be effective on such date assuming for the use of the Durham Police Board any such land or building that the Durham Police Board may require that is vested on the 1st day of July, 1973, in any local municipality or local board thereof, and at least 40 per cent of which is used on such date for the purposes of the police force of that municipality, and on the day any such by-law becomes effective the property designated therein vests in the Regional Corporation. 1973, c. 78, s. 68 (1).

Assumption of buildings

Extension
of time

(2) Notwithstanding subsection (1), a by-law for assuming any land or building mentioned in subsection (1), with the approval of the Municipal Board, may be passed after the 1st day of January, 1974, and in that case the by-law shall become effective on the date provided therein.

Building
not used
exclusively
for police
force

(3) Where any part of a building mentioned in subsection (1) is used by the local municipality or a local board thereof for other than police purposes, the Regional Corporation may,

- (a) where practicable, assume only the part of the building and land appurtenant thereto used for the purposes of the police force of such municipality; or
- (b) vest the building and land appurtenant thereto in the Regional Corporation and enter into an agreement with such municipality or local board thereof for the use of a part of the building by such municipality or local board on such terms and conditions as may be agreed upon.

Regional
Corporation
liability

(4) Where the Regional Corporation assumes any property under subsection (1) or (2),

- (a) no compensation or damage shall be payable to the local municipality or local board except as provided in this subsection;
- (b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any property vested in the Regional Corporation; and
- (c) the Regional Corporation shall thereafter pay to the area municipality for the portion of any land or building vested in the Regional Corporation under this section that is not used for police purposes on the 1st day of July, 1973, such amount as may be agreed upon and failing agreement the Municipal Board, upon application, may determine the amount, and its decision is final, provided such amount shall not be greater than the capital expenditure for such portion of such land or building less the amount of any outstanding debt in respect of such portion. 1973, c. 78, s. 68 (3-5).

(5) Where the Regional Corporation fails to make any payment ^{Default} required by clause (4) (b) on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 118.

(6) Where a building vested in a local municipality ^{Accommodation} or local board is used partly by the police force of the municipality and is not vested in the Regional Corporation under this section, the area municipality at the request of the Durham Police Board, on or after the 1st day of January, 1974, shall provide, at such rental as may be agreed upon, at least as much accommodation in such building for the use of the Durham Police Board as was being provided by the local municipality for its police force on the 1st day of July, 1973, and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final. 1973, c. 78, s. 68 (7).

78.—(1) At the request of the Durham Police Board, ^{Office} each area municipality, for the use of the Durham Police ^{supplies, etc.,} ^{transferred} Board,

- (a) shall transfer to the Regional Corporation without compensation all personal property, including office supplies and stationery in the possession of the area municipality on the 1st day of January, 1974, that was provided for the exclusive use of the police force of the area municipality; and
- (b) shall make available to the Regional Corporation all personal property the use of which was shared by the police force and any department or departments of the area municipality on the 1st day of January, 1974, on the same terms and to the same extent as the police force used the property before such date. 1973, c. 78, s. 69 (1).

(2) All signal and communication systems owned by any local ^{Transfer} municipality and used for the purposes of the police force of the ^{of signal} municipality on the 1st day of July, 1973, or thereafter, are vested ^{systems} in the Regional Corporation for the use of the Durham Police Board on the 1st day of January, 1974, and no compensation shall be payable to the municipality therefor and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system, and if the Regional Cor-

poration fails to make any payment required on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 119.

Settling
of doubts

79. In the event of any doubt as to whether,

- (a) any outstanding debt or portion thereof was incurred in respect of any property assumed; or
- (b) any land or building is used at least 40 per cent for the purposes of a police force,

the Municipal Board, upon application, may determine the matter and its decision is final. 1973, c. 78, s. 70.

Property to
be provided

80. The Regional Corporation shall provide all real and personal property necessary for the purposes of the Durham Police Board. 1973, c. 78, s. 71.

PART IX

HEALTH AND WELFARE SERVICES

Liability for
hospitaliza-
tion of
indigents
R.S.O. 1980,
cc. 410, 389

81.—(1) The Regional Corporation shall be deemed to be a city for all the purposes of the provisions of the *Public Hospitals Act* and the *Private Hospitals Act* respecting hospitalization and burial of indigent persons and their dependants, and no area municipality has any liability under such provisions.

Existing
liabilities
transferred

(2) The Regional Corporation is liable for the hospitalization and burial, after the 31st day of December, 1973, of an indigent person or his dependant who was in hospital on the 31st day of December, 1973, and in respect of whom any local municipality within the Regional Area was liable because the indigent person was a resident of such local municipality or the County of Ontario and whose place of residence was on the 31st day of December, 1973, within the Regional Area, or the United Counties of Northumberland and Durham and whose place of residence was on the 31st day of December, 1973, within the Regional Area.

Proviso

(3) Nothing in subsection (2) relieves any such local municipality from any liability in respect of hospitalization or burials before the 1st day of January, 1974. 1973, c. 78, s. 72.

82.—(1) The Regional Council may pass by-laws for ^{Aid to hospitals} granting aid for the construction, erection, establishment, acquisition, maintenance, equipping and carrying on the business of public hospitals including municipal hospitals and other health care facilities in the Regional Area and may issue debentures therefor and no area municipality shall exercise any such powers in respect of public hospitals including municipal hospitals. 1973, c. 78, s. 73 (1).

(2) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest ^{Responsibility of Regional Corporation} becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection (1), prior to the 1st day of January, 1974, and if the Regional Corporation fails to make any payment required on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 120.

(3) Notwithstanding the provisions of any general or ^{Hospital costs form part of regional levy} special Act, payments made under this section shall form part of the levy under section 97. 1973, c. 78, s. 73 (3).

83.—(1) The Regional Area is continued as a health unit ^{Regional Area to be health unit} established under the *Public Health Act* and, subject to this Part, the provisions of such Act apply, and the board of health of the health unit shall be known as the Durham Regional Board of Health. ^{R.S.O. 1980, c. 409}

(2) Notwithstanding the provisions of any other Act, the ^{Boundaries fixed} boundaries of the health unit of the Regional Area shall not be altered except by order of the Minister of Health. 1973, c. 78, s. 74.

84. The Minister of Health shall by order provide for ^{Dissolution of health units, etc.} the dissolution or reorganization of the health units serving the County of Ontario and the United Counties of Northumberland and Durham on the 31st day of December, 1973, and for the vesting of the assets and liabilities thereof. 1973, c. 78, s. 75.

85.—(1) The Durham Regional Board of Health shall be ^{Constitution of health board} composed of,

- (a) seven members of the Regional Council appointed by the Regional Council; and

(b) not more than three persons appointed by the Lieutenant Governor in Council upon the recommendation of the Minister of Health. 1973, c. 78, s. 76 (1).

Expenses
of board

R.S.O. 1980,
c. 409

(2) Notwithstanding the provisions of any other Act, the expenses incurred by the Durham Regional Board of Health establishing and maintaining the health unit and performing its functions under the *Public Health Act* or any other Act shall be accounted for, borne and paid by the Regional Corporation. 1973, c. 78, s. 76 (3).

Regional
Corporation
deemed city
under
R.S.O. 1980,
cc. 21, 263,
463, 527

86.—(1) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a city and no area municipality shall be deemed to be a municipality:

1. *Anatomy Act*.
2. *Mental Hospitals Act*.
3. *Sanatoria for Consumptives Act*.
4. *War Veterans Burial Act*.

Regional
Corporation
deemed
county under
R.S.O. 1980,
cc. 111, 188,
200

(2) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a county and no area municipality shall be deemed to be a municipality:

1. *Day Nurseries Act*.
2. *General Welfare Assistance Act*.
3. *Homemakers and Nurses Services Act*. 1973, c. 78, s. 77.

Assets and
liabilities

(3) All the assets and liabilities pertaining to the functions transferred to the Regional Corporation under subsection (2) become the assets and liabilities of the Regional Corporation on the 1st day of April, 1974, and in the event there is any dispute with respect to such transfers, the matter shall be submitted to the Municipal Board whose determination shall be final and binding. 1973, c. 147, s. 8.

Liability
for homes
for aged
R.S.O. 1980,
c. 203

87.—(1) The Regional Corporation shall be deemed to be a county for the purposes of the *Homes for the Aged and Rest Homes Act*, and no area municipality has any authority as to the establishment, erection and maintenance of a home for the aged under such Act.

Homes for
aged vested
in Regional
Corporation

(2) The homes for the aged known as Lakeview Manor, in the Village of Beaverton, Fairview Lodge, in the Town

of Whitby, and Hillsdale Manor, in the City of Oshawa, and all assets and liabilities thereof together with all the real and personal property of such homes, vest in the Regional Corporation on the 1st day of January, 1974, subject to subsection (3), without compensation.

(3) The Regional Corporation shall pay to the City of Oshawa before the due date all amounts of principal and interest becoming due upon any outstanding debt of such city in respect of the home known as Hillsdale Manor referred to in subsection (2). 1973, c. 78, s. 78 (1-3).

Existing
debt

(4) If the Regional Corporation fails to make any payment required by subsection (3), on or before the due date, the City of Oshawa may charge the Regional Corporation interest thereon at the rate of 15 per cent per annum, or such lower rate as the council of the said City determines, from such date until payment is made. 1979, c. 81, s. 121.

Default

88.—(1) The Regional Corporation shall pay to the committee or board of management of any home for the aged located outside the Regional Area the cost of maintenance in such home, incurred after the 31st day of December, 1973, of every resident of such home who was admitted thereto due to residence in an area that becomes part of an area municipality.

Residents
of other
homes for
the aged

(2) The amount payable by the Regional Corporation under subsection (1) shall be such as may be agreed upon or, failing agreement, as may be determined by the Municipal Board. 1973, c. 78, s. 79.

Amount of
maintenance
payment

89. No area municipality shall be deemed to be a municipality for the purposes of the *Child Welfare Act*. 1973, c. 78, s. 80.

Area
municipality
not
municipality
under
R.S.O. 1980,
c. 66

90. Where an order is made under subsection 20 (2) of the *Juvenile Delinquents Act* (Canada) upon an area municipality, such order shall be considered to be an order upon the Regional Corporation, and the sums of money required to be paid under such order shall be paid by the Regional Corporation and not by the area municipality. 1973, c. 78, s. 82.

Liability
under order
made under
R.S.C. 1970,
c. J-3

91. Every area municipality and every officer or employee thereof shall, at the request of the officers of the Regional Corporation who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Part. 1973, c. 78, s. 83.

Information

Adjustments

92. In the event there is any doubt as to whether the Regional Corporation is liable under this Part in respect of the liabilities imposed herein, the matter may be settled by agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board. 1973, c. 78, s. 84.

Grants, etc.,
to approved
corporations
under
R.S.O. 1980,
c. 201

93. The Regional Corporation may grant aid to approved corporations established under the *Homes for Retarded Persons Act*, and may enter into agreements with any of such corporations with respect to the construction, operation and maintenance of homes for retarded persons. 1973, c. 78, s. 85.

PART X

FINANCES

Interpre-
tation
R.S.O. 1980,
c. 31

94. In this Part, "rateable property" includes business and other assessment made under the *Assessment Act*. 1973, c. 78, s. 86 (1).

Investment
of moneys not
immediately
required
R.S.O. 1980,
c. 302
Deemed
municipality
for purposes of
R.S.O. 1980,
c. 102

95.—(1) Section 169 of the *Municipal Act* applies with necessary modifications to the Regional Corporation. 1973, c. 78, s. 87.

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of section 35 of the *Credit Unions and Caisses Populaires Act*. 1979, c. 81, s. 122.

YEARLY ESTIMATES AND LEVIES

Yearly
estimates

96.—(1) The Regional Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the Regional Corporation, including the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Ministry may from time to time prescribe.

Allowance
to be made
in estimates

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and amount as the Ministry may approve. 1973, c. 78, s. 88 (1, 2).

Application of
R.S.O. 1980,
cc. 31, 302

(3) Section 33 of the *Assessment Act* and section 465 of the *Municipal Act* apply with necessary modifications to the Regional Corporation. 1973, c. 78, s. 88 (10).

97.—(1) The Regional Council in each year shall levy ^{Levy on area municipalities} against the area municipalities a sum sufficient,

- (a) for payment of the estimated current annual expenditures as adopted; and
- (b) for payment of all debts of the Regional Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the Regional Corporation is liable under this Act.

(2) The Regional Council shall ascertain and by by-law direct ^{Apportionment} what portion of the sum mentioned in subsection (1) shall be levied against and in each area municipality.

(3) Subject to subsection (9), all amounts levied under ^{Idem} subsection (1) shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the Regional Area, according to the last revised assessment rolls.

(4) The Ministry of Revenue shall revise, equalize and ^{Equalized assessment} weight the last revised assessment rolls of the area municipalities and, for the purpose of subsection (3), the last revised assessment rolls for the area municipalities as so revised, equalized and weighted by the Ministry of Revenue shall be deemed to be the last revised assessment rolls of the area municipalities.

(5) Upon completion by the Ministry of Revenue of the ^{Copy to Regional Corporation and area municipality} revision, equalization and weighting of assessment, the Ministry of Revenue shall notify the Regional Corporation and each of the area municipalities of the revised, equalized and weighted assessment of each area municipality.

(6) If any area municipality is not satisfied with the ^{Appeal} assessment as revised, equalized and weighted by the Ministry of Revenue, the area municipality may appeal from the decision of the Ministry of Revenue by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised, equalized and weighted assessment was sent to the area municipality by the Ministry of Revenue.

(7) Every notice of revision, equalization and weighting ^{Idem} made under this section shall set out the time within which

an appeal may be made to the Municipal Board with respect to such revision, equalization and weighting.

Amendment
of by-law
where
necessary
following
appeal

(8) Where the last revised assessment of the area municipality has been revised, equalized and weighted by the Ministry of Revenue and has been appealed, the Regional Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection (2) so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and,

- (a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the treasurer of the Regional Corporation; and
- (b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the treasurer of the Regional Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the treasurer of the Regional Corporation shall pay the amount of the decrease to the treasurer of the area municipality.

Fixed
assessments,
etc., not to
apply

R.S.O. 1980,
c. 31

(9) The apportionment of the levy among the area municipalities as provided for in subsections (2) and (3) shall be based on the full value of all rateable property, and, notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 22 of the *Assessment Act*, or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of the *Assessment Act*. 1973, c. 78, s. 89 (1-9).

Assessment
to include
valuations on
properties
for which
payments
in lieu of
taxes paid

R.S.O. 1980,
cc. 302, 402,
359

(10) The assessment upon which the levy shall be apportioned among the area municipalities shall include the valuations of all properties for which payments in lieu of taxes which include a payment in respect of regional levies are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or Ontario Hydro or under subsection 153 (6) to any area municipality, and shall include the amount by which the assessment of a municipality shall be deemed to be increased by virtue of payments under sections 160 and 161 of the *Municipal Act* and section 4 of the *Provincial Parks Municipal Tax Assistance Act*, and subsection 8 (1) of the *Ontario Unconditional Grants Act*. 1973, c. 78, s. 89 (10); 1973, c. 57, s. 19.

(11) Within fourteen days of a request by the Ministry of Revenue, the clerk of an area municipality shall transmit to the said Ministry a statement of the payments referred to in subsection (10) and the said Ministry shall revise, equalize and weight the valuations of these payments and shall notify the Regional Corporation and the appropriate area municipality of such valuations.

Valuation of
properties

(12) One by-law or several by-laws for making the levies may be passed as the Regional Council may consider expedient.

Levy
by-laws

(13) Subject to subsections 36 (4), (5) and (6) of the *Assessment Act*, in each area municipality the regional levy shall be calculated and levied upon the whole rateable property rateable for such purpose within such area municipality according to the last revised assessment roll thereof.

Regional
levy
R.S.O. 1980,
c. 31

(14) All moneys levied against an area municipality under the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the Regional Corporation and the treasurer of every area municipality shall pay the moneys so levied to the treasurer of the Regional Corporation at the times and in the amounts specified by the by-law of the Regional Council mentioned in subsection (2). 1973, c. 78, s. 89 (11-14).

Payment

(15) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 15 per cent per annum, or such lower rate as the Regional Council determines, from the date payment is due until it is made. 1979, c. 81, s. 123.

Default

98.—(1) The Ministry of Revenue shall revise, equalize and weight each part of the last revised assessment roll of the area municipalities that relates to a merged area and each such part of the last revised assessment roll of each of the area municipalities as revised, equalized and weighted is final and binding.

Equalization
of assessment
of merged
areas

(2) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment in an area municipality under subsection (1), the Ministry of Revenue shall notify the area municipality of the revised, equalized and weighted assessment.

Notice

(3) The net regional levy and the sums adopted in accordance with section 164 of the *Municipal Act* for all purposes, excluding school purposes, levied against the whole rateable property of an area municipality shall be apportioned among the merged areas of

Apportion-
ment among
merged areas
R.S.O. 1980,
c. 302

such area municipality in the proportion that the total equalized and weighted assessment of each merged area bears to the total equalized and weighted assessment of the area municipality both according to the last revised assessment roll as equalized and weighted by the Ministry of Revenue under subsection (1), and subsection 26 (9) of the *Assessment Act* shall not apply to any apportionment by an area municipality under this subsection. 1973, c. 78, s. 90 (1-3).

R.S.O. 1980,
c. 31

Levy by
Regional
Council
before
estimates
adopted

99.—(1) Notwithstanding section 97, the Regional Council may, before the adoption of the estimates for that year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the Regional Council in the preceding year against that area municipality and subsections 97 (14) and (15) apply to such levy.

Levy under
s. 97 to be
reduced

(2) The amount of any levy made under subsection (1) shall be deducted from the amount of the levy made under section 97.

Levy by area
municipality
before
estimates
adopted

(3) Notwithstanding section 98, the council of an area municipality may in any year before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, on the whole of the assessment for real property including business assessment in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters.

Levy under
s. 98 to be
reduced

(4) The amount of any levy under subsection (3) shall be deducted from the amount of the levy made under section 98.

Application of
R.S.O. 1980,
c. 302, s. 159
(5)

(5) Subsection 159 (5) of the *Municipal Act* applies to levies made under this section. 1973, c. 78, s. 91 (2-6).

Rates under
R.S.O. 1980,
c. 129

100.—(1) For the purposes of levying taxes under Part IV of the *Education Act*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the area municipality shall be deemed to be the council of each such merged area.

Rates for
public school
purposes on
commercial
assessment

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of the application of section 222 of the *Education Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 98 (1).

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 222 of the *Education Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 98 (1).

Rates for public school purposes on residential assessment
R.S.O. 1980, c. 129

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 222 of the *Education Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 98 (1).

Rates for secondary school purposes on commercial assessment

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 222 of the *Education Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 98 (1).

Rates for secondary school purposes on residential assessment

(6) Notwithstanding subsections (2), (3), (4) and (5), where, in any year, a regulation is in force under section 214 of the *Education Act*, the apportionments referred to in the said subsections (2), (3), (4) and (5) shall be made in accordance with the regulation. 1973, c. 78, s. 92.

Regulations under R.S.O. 1980, c. 129 to apply

ADJUSTMENTS

101. The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section. 1973, c. 78, s. 93.

Transitional adjustments

RESERVE FUNDS

Reserve
funds of
municipalities

102.—(1) Reserve funds established by local municipalities for purposes for which the Regional Council has authority to spend funds and for which the council of an area municipality has no authority to spend funds are reserve funds of the Regional Corporation and the assets of such reserve funds are vested in the Regional Corporation.

Idem

(2) Reserve funds established by local municipalities, other than divided municipalities, for purposes for which the councils of area municipalities have authority to spend funds and for which the Regional Council has no authority to spend funds are reserve funds of the area municipality of which the local municipality forms the whole or a part and the assets of such reserve funds are vested in such area municipality. 1973, c. 78, s. 97.

Reserve
funds, estab-
lishment

103.—(1) The Regional Council may in each year provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds. 1976, c. 70, s. 52 (1).

Investments
and income

(2) The moneys raised for a reserve fund established under subsection (1) shall be paid into a special account and may be invested in such securities as a trustee may invest in under the *Trustee Act*, and the earnings derived from the investment of such moneys form part of the reserve fund. 1973, c. 78, s. 98 (2).

R.S.O. 1980,
c. 512

Expenditure
of reserve
fund moneys

(3) The moneys raised for a reserve fund established under subsection (1) shall not be expended, pledged or applied to any purpose other than that for which the fund was established, unless approved by the Regional Council. 1976, c. 70, s. 52 (2).

Auditor to
report on
reserve funds

(4) The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection (1). 1973, c. 78, s. 98 (4).

TEMPORARY LOANS

Current
borrowings

104.—(1) The Regional Council may by by-law, either before or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize the chairman and treasurer to borrow from time to time by way of promissory note such sums as the Regional Council considers necessary to meet, until the levies and other revenues are received, the current expenditures of the Regional Corporation for the year, including the amounts required for

principal and interest falling due within the year upon any debt of the Regional Corporation and the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation.

(2) The amount that may be borrowed at any one time for the purposes mentioned in subsection (1), together with any similar borrowings that have not been repaid, shall not, except with the approval of the Municipal Board, exceed 70 per cent of the uncollected balance of the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the year. ^{Limit upon borrowings}

(3) Until such estimates are adopted, the limitation upon borrowing prescribed by subsection (2) shall temporarily be calculated upon the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the next preceding year. ^{Temporary application of estimates of preceding year}

(4) The lender is not bound to establish the necessity of borrowing the sum lent or to see to its application. ^{Protection of lender}

(5) Any promissory note made under the authority of this section shall be sealed with the seal of the Regional Corporation and signed by the chairman or by some other person authorized by by-law to sign it, and by the treasurer, and may be expressed so as to bear interest only upon such money as may be borrowed thereon from the time when such money is actually lent. ^{Execution of promissory notes}

(6) The signature of the chairman or any other person authorized to sign promissory notes may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced. ^{Idem}

(7) The Regional Council may by by-law provide or authorize the chairman and treasurer to provide by agreement that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, be a charge upon the whole or any part or parts of the revenues of the Regional Corporation for the current year and for any preceding years as and when such revenues are received, provided that such charge does not defeat or affect and is subject to any prior charge then subsisting in favour of any other lender. ^{Creation of charge}

Execution of
agreements

(8) Any agreement entered into under subsection (7) shall be sealed with the corporate seal and signed by the chairman and treasurer.

Penalty
for excess
borrowings

(9) If the Regional Council authorizes the borrowing of or borrows any larger amount than is permitted under this section, every member who knowingly votes therefor is disqualified from holding any municipal office for two years.

Penalty
for mis-
application
of revenues
by Regional
Council

(10) If the Regional Council authorizes the application of any revenues of the Regional Corporation charged under the authority of this section otherwise than in repayment of the loan secured by such charge, the members who knowingly vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Penalty
for mis-
application
of revenues
by officials

(11) If any member of the Regional Council or officer of the Regional Corporation knowingly applies any revenues so charged otherwise than in repayment of the loan secured by such charge, he is personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Saving
as to
penalties

(12) Subsections (9), (10) and (11) do not apply to the Regional Council or any member of the Regional Council or officer of the Regional Corporation acting under an order or direction issued or made under the authority of the *Municipal Affairs Act*, nor do they apply in any case where application of the revenues of the Regional Corporation is made with the consent of the lender in whose favour a charge exists. 1977, c. 34, s. 45.

R.S.O. 1980,
c. 303

DEBT

Debt

R.S.O. 1980,
c. 347

105.—(1) Subject to the limitations and restrictions in this Act and the *Ontario Municipal Board Act*, the Regional Council may borrow money for the purposes of,

- (a) the Regional Corporation;
- (b) any area municipality;
- (c) the joint purposes of any two or more area municipalities,

whether under this or any general or special Act, and may issue debentures therefor on credit of the Regional Corporation.

Liability

(2) All debentures issued pursuant to a by-law passed by the Regional Council under the authority of this Act are

direct, joint and several obligations of the Regional Corporation and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities, but nothing in this subsection affects the rights of the Regional Corporation and of the area municipalities respectively as among themselves.

(3) Notwithstanding any general or special Act, no area municipality has, after the 31st day of December, 1973, power to issue debentures. Limitation

(4) When an area municipality, on or before the 31st day of December, 1973, Uncompleted works

(a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 64 (1) of the *Ontario Municipal Board Act*; and

R.S.O. 1980,
c. 347

(b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

the Regional Council, upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the Regional Corporation for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 108, and no further approval of the Municipal Board is required.

(5) Bonds, debentures and other evidences of indebtedness of the Regional Corporation shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of the *Trustee Act*. 1973, c. 78, s. 100. Bonds, debentures, etc., trustee investments
R.S.O. 1980,
c. 512

106. Subject to the limitations and restrictions in this Act and the *Ontario Municipal Board Act*, the Regional Corporation may by by-law incur a debt or issue debentures for the purposes set forth in subsection 105 (1) and, notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the Regional Area. 1973, c. 78, s. 101. Power to incur debt or issue debentures

107.—(1) Where, under any general or special Act, an area municipality cannot incur a debt or issue debentures Idem

for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the Regional Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence to the passing of the by-law by the Regional Council has been obtained.

Proviso

(2) Nothing in subsection (1) requires the assent of any electors where such assent has been dispensed with under section 63 of the *Ontario Municipal Board Act*. 1973, c. 78, s. 102.

R.S.O. 1980,
c. 347

Borrowing
pending
issue and
sale of
debentures

108.—(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time for the purposes authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

Idem

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of the area municipality pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality. 1977, c. 34, s. 46 (1).

Interest on
proceeds
transferred

(3) The Regional Corporation may charge interest on any proceeds of an advance or loan transferred under subsection (2) at a rate sufficient to reimburse it for the cost of such advance or loan.

Application
of proceeds
of loan

(4) The proceeds of every advance or loan under this section shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to see to the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area

municipality, the balance, subject to section 122 shall be transferred to the area municipality.

(5) Subject to subsection (4) the redemption of a debenture hypothecated does not prevent the subsequent sale thereof. 1973, c. 78, s. 103 (3-5).

Hypothecation not to prevent subsequent sale of debentures

(6) The signature of the chairman or any person authorized to sign loan agreements may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on loan agreements made under this section and, if such loan agreement is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced. 1977, c. 34, s. 46 (2).

Signature of chairman, etc., may be mechanically reproduced

109.—(1) Where the Regional Corporation has entered into an agreement under the *Ontario Water Resources Act* whereby the Regional Corporation is entitled to receive moneys from the Crown, the Regional Council, pending the receipt of such moneys may, in order to meet expenditures incurred in carrying out the agreement, agree with a bank or a person for temporary advances from time to time.

Temporary borrowing R.S.O. 1980, c. 361

(2) The proceeds of every advance under this section shall be applied to the expenditures incurred in carrying out the agreement made by the Regional Corporation under the *Ontario Water Resources Act*, but the lender shall not be bound to see the application of the proceeds and, when the Regional Corporation has received the moneys to which it is entitled from the Crown under the said agreement such moneys shall be applied first in repayment of the advances. 1976, c. 43, s. 100.

Application of proceeds

110.—(1) Subject to subsection (2), a money by-law for the issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest.

Principal and interest payments

(2) A money by-law for the issuing of debentures may provide that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case debentures issued under the by-law shall be known as sinking fund debentures.

Sinking fund debentures

When
debentures
to be
payable

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve.

Special levy
against
area muni-
cipalities

(4) The by-law may provide for raising in each year by special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each area municipality shall pay to the Regional Corporation such sums at the times and in the amounts specified in the by-law.

General levy

(5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law.

Levy by
area muni-
cipalities

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection (4) may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of debt levied against it under subsection (4).

Instalment
debentures
and debentures
to refund
existing
debentures
at maturity

(7) Notwithstanding subsection (5), the Regional Council may by by-law,

(a) authorize the borrowing of money by the issue of instalment debentures, the last instalment of which shall mature not earlier than ten years after the date upon which they are issued, and a specified sum of principal payable thereunder in the final year shall be raised by the issue of refunding debentures as provided in clause (b), and it shall not be necessary to raise by special rate in the year of maturity of the debentures to be refunded an amount equal to the specified principal amount of the debentures which are being refunded; and

(b) authorize the issue of debentures to refund at maturity outstanding debentures of the municipality, provided that the refunding debentures shall be

payable within the maximum period of years that was approved by the order of the Municipal Board for the repayment of debentures issued for the debt for which the outstanding debentures were issued, commencing on the date of the debentures originally issued for such debt,

and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a special levy or levies against such area municipality or municipalities as may be specified in the by-law and such levy shall be levied against the same area municipality or municipalities in each case.

(8) Any special levy against an area municipality imposed ^{Levy} by the by-law under the authority of subsection (7) may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection (7), and any levy imposed by a by-law under clause (7) (b) shall be levied by the area municipality against the same persons or property as the levy imposed by the related by-law under clause (7) (a) was levied.

(9) All levies imposed by the by-law against an area ^{Levies a} municipality are a debt of the area municipality to the ^{debt} Regional Corporation.

(10) The Regional Council may by by-law authorize ^{By-law to} a change in the mode of issue of the debentures and may ^{change mode} provide that the debentures be issued with coupons instead of ^{of issuing} in amounts of combined principal and interest or *vice versa*, ^{debentures} and where any debentures issued under the by-law have been sold, pledged or hypothecated by the Regional Council upon again acquiring them or at the request of any holder of them, cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year. 1973, c. 78, s. 104 (1-10).

(11) All the debentures shall be issued within two years ^{Debentures} after the passing of the by-laws unless, on account of ^{when to be} the proposed expenditure for which the by-law provides ^{dated and} being estimated or intended to extend over a number ^{issued}

of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the Regional Council it would not be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law. 1973, c. 78, s. 104 (11); 1976, c. 43, s. 101 (1).

Date of
debenture

(12) All the debentures shall bear the same date, except where they are issued in sets, in which case every debenture of the same set shall bear the same date.

Idem

(13) Notwithstanding the provisions of the by-law, the debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection (11) and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.

Extension
of time
for issue

(14) The Municipal Board, on the application of the Regional Council, the council of any area municipality or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

Application
after time
expired

(15) The extension may be made although the application is not made until after the expiration of the two years or of the time provided for the issue of the set.

Effective
date

(16) Unless the by-law names a later day when it is to take effect, it takes effect on the day of its passing.

Consolida-
tion

(17) Notwithstanding any general or special Act, the Regional Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor.

Consolidat-
ing debenture
by-laws
R.S.O. 1980,
c. 302

(18) Section 145 of the *Municipal Act* applies with necessary modifications to the Regional Corporation.

Redemption
before
maturity

(19) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the

Regional Corporation on any date prior to maturity, subject to the following provisions:

1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and the amount at which such debenture may be so redeemed.
2. The principal of every debenture that is so redeemable becomes due and payable on the date set for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of the principal thereof, the interest to the date set for redemption and any premium payable on redemption.
3. Notice of intention so to redeem shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.
4. At least thirty days prior to the date set for such redemption, notice of intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the Regional Area and in such other manner as the by-law may provide.
5. Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debentures issued under the by-law shall be called for such redemption in priority to any such debentures that have a later maturity date.
6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council in respect of the debenture so redeemed.

Currency

(20) The by-law may provide that the debentures to be issued thereunder shall be expressed and be payable,

- (a) in lawful money of Canada and payable in Canada;
or
- (b) in lawful money of the United States of America and payable in the United States of America; or
- (c) in lawful money of Great Britain and payable in Great Britain; or
- (d) subject to the prior approval of the Lieutenant Governor in Council, in a currency other than that of Canada, the United States of America or Great Britain.

Annual
rates

(21) Where under the provisions of the by-law debentures issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, or in any currency other than that of Canada, the Regional Council may in such by-law or in any amending by-law, in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in such year, provide that there shall be raised such yearly amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary.

Principal
levies

(22) When sinking fund debentures are issued, the amount of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding 5 per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due.

Consolidated
bank
accounts

(23) When sinking fund debentures are issued, the sinking fund committee shall keep one or more consolidated bank accounts in which,

- (a) the treasurer of the Regional Corporation shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and
- (b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments.

(24) When sinking fund debentures are issued, there shall be a sinking fund committee that shall be composed of the treasurer of the Regional Corporation and two members appointed by the Regional Council, and the two appointed members may be paid, out of the current fund of the Regional Corporation, such annual remuneration as the Regional Council determines. 1973, c. 78, s. 104 (12-24). Sinking
fund
committee

(25) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member and any such alternate member may be paid, out of the current fund of the Regional Corporation, such remuneration as the Regional Council determines. 1976, c. 70, s. 53. Alternate
members

(26) The treasurer of the Regional Corporation shall be the chairman and treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer. Chairman

(27) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, in such amount as the auditor of the Regional Corporation shall determine, and in other respects the provisions of section 94 of the *Municipal Act* apply with respect to such security. Security

R.S.O. 1980,
c. 302

(28) Two members of the sinking fund committee are a quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee. Quorum

(29) All assets of the sinking funds, including all consolidated bank accounts, shall be under the sole control and management of the sinking fund committee. Control of
sinking fund
assets

(30) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all cheques on the consolidated bank accounts shall be signed by the chairman or acting chairman and one other member of the sinking fund committee. Withdrawals
from bank
accounts

(31) The sinking fund committee shall invest any moneys on deposit from time to time in the consolidated bank accounts and may at any time or times vary any investments. 1973, c. 78, s. 104 (26-31). Investments

Idem

(32) The moneys in the consolidated bank accounts shall be invested in one or more of the following forms,

R.S.O. 1980,
c. 512

(a) in securities in which a trustee may invest under the *Trustee Act*;

(b) in debentures of the Regional Corporation;

(c) in temporary advances to the Regional Corporation pending the issue and sale of any debentures of the Regional Corporation;

(d) in temporary loans to the Regional Corporation for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made;

(e) in securities issued or unconditionally guaranteed as to principal and interest by the United States of America;

(f) in such other securities as are authorized by the Lieutenant Governor in Council. 1973, c. 78, s. 104 (32); 1976, c. 43, s. 101 (2).

Deposit of
securities
with
Treasurer
of Ontario

(33) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be deposited with the Treasurer of Ontario.

Release of
securities
by Treasurer
of Ontario

(34) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under subsection (33) only upon the direction in writing of the sinking fund committee.

Sinking
fund
accounts

(35) All sinking fund debentures issued on the same date, payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws, shall be deemed one debt and be represented by one sinking fund account.

Earnings
credited to
sinking fund
account

(36) That proportion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments obtained by,

(a) multiplying the amount of all such earnings by the amount of the capitalized interest for that year under subsection (22) with respect to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account; and

- (b) dividing the product obtained under clause (a) by the amount of all capitalized interest for that year under subsection (22) with respect to all principal raised up to and including such year for all outstanding sinking fund debentures,

shall be credited to the sinking fund account mentioned in clause (a).

(37) The treasurer of the Regional Corporation shall prepare and lay before the Regional Council in each year, before the annual regional levies are made, a statement showing the sums that the Regional Council will be required, by by-law, to raise for sinking funds in that year. Sinking fund requirements

(38) If the treasurer of the Regional Corporation contravenes subsection (23) or (37), he is guilty of an offence and on conviction is liable to a fine of not more than \$250. Offence

(39) If the Regional Council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the Regional Council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount. Failure to levy

(40) Notwithstanding this or any other Act or by-law, if it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the estimated earnings to be credited thereto under subsection (36) together with the levy required to be made by the by-law or by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of the debt represented by such sinking fund account when it matures, the Municipal Board, on the application of the sinking fund committee, the Regional Council or the council of an area municipality, may authorize the Regional Council or the council of the area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board. Where amount in sinking fund account more than sufficient to pay debt

(41) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the Regional Corporation or otherwise than is provided in this section. No diversion of sinking funds

(42) When there is a surplus in a sinking fund account, the sinking fund committee shall, Surplus

- (a) use the surplus to increase the amount at the credit of another sinking fund account; or
- (b) authorize the withdrawal of the surplus from the consolidated bank accounts and the surplus shall be used for one or more of the following purposes,
 - (i) to retire unmatured debentures of the Regional Corporation or of an area municipality,
 - (ii) to reduce the next annual levy on account of principal and interest payable with respect to debentures of the Regional Corporation or of an area municipality,
 - (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause (a) or (b) for the purposes of the Regional Corporation or an area municipality in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

Deficit and
surplus

(43) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities any deficit in the sinking fund account shall be provided by the Regional Corporation out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection (42).

Term
debentures

(44) A money by-law may authorize the issue of debentures of which a portion shall be payable on a fixed date with interest payable annually or semi-annually, in which case such debentures shall be known as term debentures.

Amounts to
be raised
annually

(45) In respect of the term debentures, the by-law shall provide for raising,

- (a) in each year of the currency of the term debentures a sum sufficient to pay the interest on the term debentures; and
- (b) in each year of the currency of the term debentures in which no other debentures issued under the same by-law become due and payable, a specific amount

to form a retirement fund for the term debentures which, with interest at a rate not to exceed 5 per cent per annum compounded yearly, will be sufficient to pay the principal of the term debentures at maturity. 1973, c. 78, s. 104 (33-45).

(46) The retirement fund for the term debentures shall be administered by the sinking fund committee in all respects in the same manner as a sinking fund established under this section, and the provisions of subsections (23) to (43) of this section with respect to a sinking fund shall apply with necessary modifications to such retirement fund. 1973, c. 78, s. 104 (46); 1976, c. 43, s. 101 (3).

Retirement
fund

(47) Notwithstanding the provisions of any general or special Act or any differences in date of issue or maturity, every debenture issued shall rank concurrently and *pari passu* in respect of payment of principal and interest thereon with all other debentures of the Regional Corporation except as to the availability of any sinking funds applicable to any particular issue of debentures. 1976, c. 43, s. 101 (4).

All
debentures
rank equally

111. Notwithstanding any other provisions of this Act,

Debentures
payable on
a fixed date
subject to
the annual
redemption
by lot of
a specified
principal
amount

- (a) a money by-law of the Regional Council may provide that all or a portion of the debentures to be issued thereunder shall be payable on a fixed date, subject to the obligation of the Regional Corporation to redeem by lot annually on each anniversary of the date of such debentures a specified principal amount of such debentures upon payment by the Regional Corporation of such principal amount plus accrued interest to the date of redemption and upon giving notice as provided in this section;
- (b) the principal amount of every debenture that is called for redemption shall become due and payable on the date set for the redemption thereof and, after such date, interest ceases to accrue thereon where provision is duly made by the Regional Corporation for the payment of the principal amount thereof;
- (c) the debentures to be redeemed on each anniversary of the date of such debentures shall be selected by lot by the treasurer of the Regional Corporation at a public meeting of the Regional Council and when redeemed shall be cancelled and shall not be reissued, provided always that the principal amount of the debentures to be redeemed in any year may be

interest
ceases to
accrue on
date set for
redemption

debentures
to be
redeemed
may be
purchased

reduced by the principal amount of any debentures purchased by the Regional Corporation, at a price or prices not exceeding the principal amount thereof, and surrendered for cancellation on the date fixed for redemption;

notice to
redeem to
be sent by
mail

(d) notice of intention to redeem any debenture shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person, if any, in whose name the debenture may be registered at the address shown in the Debenture Registry Book;

notice to
redeem to
be published

(e) notice of intention to redeem any debenture shall be published at least thirty days prior to the date set for such redemption in such manner as the by-law may provide;

where only
portion of
debentures
payable on
fixed date

(f) where only a portion of the debentures issued under a by-law is payable on a fixed date, the obligation of the Regional Corporation to redeem by lot annually a specified principal amount of such debentures does not apply in any year in which an instalment of principal of the remaining debentures issued under such by-law becomes due and payable; and

annual
amounts
payable to
be approxi-
mately equal

(g) the aggregate amounts of principal and interest, or the amounts of principal, payable in each year during the currency of debentures issued under this section shall be approximately equal. 1976, c. 43, s. 102.

Application of
R.S.O. 1980,
c. 302, s. 152
(1)

112.—(1) Subsection 152 (1) of the *Municipal Act* applies with necessary modifications to the Regional Council. 1976, c. 70, s. 54.

Hypotheca-
tion not a
sale under
this section

(2) For the purposes of this section, the hypothecation of debentures under section 108 shall not constitute a sale or other disposal thereof.

Consolida-
tion of
debentures

(3) The Regional Council may by one by-law authorized under subsection (1) amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder.

Special
assessment
and levies

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such

special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council. 1973, c. 78, s. 105 (2-4).

113.—(1) Where part only of a sum of money provided for by a by-law has been raised, the Regional Council may repeal the by-law as to any part of the residue, and as to a proportionate part of the amounts to be raised annually.

Repeal of
by-law when
part only
of money to
be raised

(2) The repealing by-law shall recite the facts on which it is founded, shall provide that it shall take effect on the 31st day of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board. 1973, c. 78, s. 106.

When to take
effect

114.—(1) Subject to section 113, after a debt has been contracted under a by-law, the Regional Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not alter any such by-law so as to diminish the amount to be raised annually, and shall not apply to any other purpose any money of the Regional Corporation that has been directed to be applied to such payment.

Until debt
paid certain
by-laws
cannot be
repealed

(2) When the Regional Corporation, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply any of the moneys so paid for any purpose other than the payment of the amounts of principal and interest so becoming due. 1973, c. 78, s. 107.

Application
of payments

115. Any officer of the Regional Corporation whose duty it is to carry into effect any of the provisions of a money by-law of the Regional Corporation, who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on conviction is liable to a fine of not more than \$100. 1973, c. 78, s. 108.

Offence for
neglect of
officer to
carry out
by-law

116.—(1) Within four weeks after the passing of a money by-law, the clerk may register a duplicate original or a copy

Money
by-laws
may be
registered

of it, certified under his hand and the seal of the Regional Corporation, in the appropriate land registry office.

Application
to quash
registered
by-law, when
to be made

(2) Subject to section 61 of the *Municipal Board Act*, every by-law registered in accordance with subsection (1), or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under the *Drainage Act*, or the *Local Improvement Act*, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal stating that such application has been made or action brought, is registered in such registry office within such period of three months or one month, as the case may be.

R.S.O. 1980,
cc. 347, 126,
250

Time when
by-law to be
valid and
binding

(3) After the expiration of the period prescribed by subsection (2), if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms.

Quashing
part of
by-law

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection (2), but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, is, after the expiration of that period, valid and binding according to its terms.

Dismissal of
application

(5) If the application or action is dismissed in whole or in part, a certificate of dismissal may be registered, and after such dismissal and the expiration of the period prescribed by subsection (2), if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms.

Illegal
by-laws not
validated

(6) Nothing in this section makes valid a by-law passed without the assent of the electors of an area municipality as required by subsection 107 (1), or a by-law where it appears on the face of it that any of the provisions of subsection 110 (5) have not been substantially complied with.

Failure to
register

(7) Failure to register a by-law as prescribed by this section does not invalidate it. 1973, c. 78, s. 109.

117.—(1) A debenture or other like instrument shall be sealed with the seal of the Regional Corporation, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection (3), shall be signed by the chairman, or by some other person authorized by by-law of the Regional Corporation to sign it, and by the treasurer.

Debentures,
how sealed
and executed

(2) A debenture may have attached to it interest coupons that shall be signed by the treasurer and his signature may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the treasurer on the date the Regional Council authorized the execution of the debenture or on the date the debenture bears or at the time the debenture was issued and delivered.

Interest
coupons

(3) The signature of the chairman, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and if the debentures or other like instruments are countersigned in writing by a person authorized by by-law of the Regional Corporation to countersign, the signature of the treasurer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon.

Mechanical
reproduction
of signatures

(4) The seal of the Regional Corporation when so engraved, lithographed, printed or otherwise mechanically reproduced has the same force and effect as if manually affixed and the signature of the chairman or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the treasurer when so engraved, lithographed, printed or otherwise mechanically reproduced shall be deemed the signature of the chairman or other person so authorized to sign or of the treasurer, as the case may be, and is binding upon the Regional Corporation.

Effect of
mechanical
reproduction

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signatures of the persons provided in this section if such persons had authority to sign and countersign as provided in this section either on the date the Regional Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered. 1973, c. 78, s. 110.

Sufficiency of
signatures

118. Where the interest for one year or more on the debentures issued under a by-law and the principal of any

Debentures
on which
payment
has been
made for one
year to be
valid

debenture that has matured has been paid by the Regional Corporation, the by-law and the debentures issued under it are valid and binding upon the Regional Corporation. 1973, c. 78, s. 111.

Mode of transfer may be prescribed

119.—(1) Where a debenture contains or has endorsed upon it a provision to the following effect:

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the treasurer of this Corporation (or by such other person authorized by by-law of this Corporation to endorse such certificate of ownership), transferable except by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the

.....

 of

the treasurer (or such other persons so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book, to be called the Debenture Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such a book a memorandum of every transfer of such debenture.

Requirements as to endorsing certificate of ownership

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as the owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the treasurer.

Transfer by entry in Debenture Registry Book

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in subsection (1), is transferable only by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors.

(4) A debenture may be registered as to both principal and interest, in which case the interest thereon shall be paid by cheque and the debenture may be referred to as a fully registered debenture. 1973, c. 78, s. 112.

Debenture
registered as
to principal
and interest

(5) Where debentures are payable in a currency other than that of Canada, the Regional Council may provide that the Debenture Registry Book of the Regional Corporation in respect of such debentures be maintained outside Canada by a corporation or person other than the treasurer and may make such other provisions for the registration and transfer of such debentures as the Regional Council considers appropriate. 1976, c. 43, s. 103.

When
Debenture
Registry
Book
may be
maintained
outside
Canada

120. Where a debenture is defaced, lost or destroyed, the Regional Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide. 1973, c. 78, s. 113.

Replacement
of lost
debentures

121.—(1) On request of the holder of any debentures issued by the Regional Corporation, the treasurer of the Regional Corporation may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount.

Exchange of
debentures

(2) On the request of the sinking fund committee, the treasurer of the Regional Corporation may, as provided in this section, exchange debentures heretofore or hereafter issued by the Regional Corporation.

Idem

(3) Any new debenture mentioned in subsection (1) may be registered as to principal and interest but in all other respects shall be of the same force and effect as the debenture or debentures surrendered for exchange.

New
debentures
of same
force and
effect as
debentures
surrendered

(4) The treasurer and auditor of the Regional Corporation shall cancel and destroy all debentures surrendered for exchange and shall certify in the Debenture Registry Book that they have been cancelled and destroyed and shall also enter in the Debenture Registry Book particulars of any new debenture issued in exchange. 1973, c. 78, s. 114.

Debentures
surrendered
for exchange
to be
cancelled

122.—(1) The moneys received by the Regional Corporation from the sale or hypothecation of any debentures to the extent that such moneys are required for the purposes for which the debentures were issued, and for the repayment

Application
of proceeds of
debentures

of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes.

Idem

(2) None of the moneys received by the Regional Corporation from the sale of hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the Regional Corporation or an area municipality.

Surplus

(3) Where on the sale of any debenture an amount is realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied,

(a) if any such debentures are redeemable prior to maturity at the option of the Regional Corporation to redeem one or more of the debentures having the latest maturity date; or

(b) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or

(c) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

Deficiency

(4) Where on the sale of any debentures a deficiency in the amount required for the purpose or purposes for which the debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes. 1973, c. 78, s. 115.

Use of
proceeds of
sale of
asset
acquired
from
proceeds of
sale of
debentures

123. Where real or personal property acquired out of moneys received by the Regional Corporation from the sale or hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied

as an excess in accordance with subsection 122 (3) or, with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures issued in respect of the property disposed of or sold. 1973, c. 78, s. 116.

124. When the Regional Corporation intends to borrow money on debentures under this or any other Act, the Regional Council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par. 1973, c. 78, s. 117.

Tenders for
debentures

125.—(1) The Regional Council shall,

Accounts,
how to be
kept

(a) keep a separate account of every debenture debt;

(b) where the whole of a debenture debt is not payable in the current year, keep in respect thereof,

(i) an additional account for the interest, if any,
and

(ii) an additional account for the sinking fund or
the instalments of principal,

distinguished from all other accounts by a prefix designating the purpose for which the debenture debt was contracted; and

(c) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

(2) The Regional Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt. 1973, c. 78, s. 118.

Consolidated
interest
account

126. If, in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of the principal. 1973, c. 78, s. 119.

Application
of surplus
money

Liability of
members

127.—(1) If the Regional Council applies any money raised for a special purpose or collected for a sinking fund in payment of current or other expenditure, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Action by
ratepayer

(2) If the Regional Council, upon the request in writing of a ratepayer of an area municipality, refuses or neglects for one month to bring an action therefor, the action may be brought by any such ratepayer on behalf of himself and all other ratepayers in the Regional Area.

Disquali-
fication

(3) The members who vote for such application are disqualified from holding any municipal office for two years. 1973, c. 78, s. 120.

Refinancing
of debentures

128. When, by or under the authority of this Act, the Regional Corporation is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the Regional Corporation may, with the approval of the Municipal Board,

- (a) cancel all such debentures that have not been sold and issue new debentures of the Regional Corporation in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board, for the purposes for which such debentures were issued;
- (b) arrange with the area municipality for the redemption of all such debentures as are redeemable and issue new debentures of the Regional Corporation to raise the moneys required for such redemption; and
- (c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the Regional Corporation to raise the money required to complete such purchase. 1973, c. 78, s. 121.

PART XI

GENERAL

Application of
R.S.O. 1980,
c. 302

129.—(1) Sections 5, 84, 85, 90, 92, 93, 94 and 96, subsections 98 (1), (4) and (5), sections 99, 100, 105, 106, 109, 113, 116, 117 and 121, subsection 165 (3), sections 190 and 205, paragraphs 3, 10, 11, 12, 23, 24, 30, 45, 46, 47, 48, 49, 50 and 54 of section 208,

subparagraph iii of paragraph 62 and subparagraph ii of paragraph 125 of section 210, paragraph 10 of section 315 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation. 1979, c. 81, s. 124 (1).

(2) Where the Regional Council passes a by-law under subsection 219 (1) of the *Municipal Act*, the council of any area municipality may exercise the powers contained in subsections (6), (7) and (8) of the said section, as if the by-law passed by the Regional Council had been passed by the council of such area municipality. 1974, c. 117, s. 52 (2).

Loans re
sewer and
water
connections

(3) Sections 10 and 11 and, subject to subsection 2 (3), subsection 14 (2) of the *Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, within the Regional Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature.

Erections,
annexations
and amal-
gamations

(4) The Regional Corporation shall be considered to be a local municipality for the purposes of paragraphs 98 and 129 of section 210 and section 253 of the *Municipal Act* applies with necessary modifications. 1973, c. 78, s. 139 (6, 7).

Public trans-
portation
systems,
refuse
disposal,
entertain-
ment
expenses,
etc.

(5) Notwithstanding any other provision in this Act, the Regional Council may pass a by-law authorizing the head of the department concerned to grant the approval required by subsection 34 (2) and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted. 1973, c. 78, s. 123 (3-5).

Delegation
of approval

(6) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 13 of the *Mortmain and Charitable Uses Act*. 1977, c. 34, s. 47 (2).

Application
of
R.S.O. 1980,
c. 297, s. 13

(7) The Regional Corporation shall be deemed to be, and to have always been, a municipality for the purposes of section 311 of the *Municipal Act*. 1979, c. 81, s. 124 (2).

Deemed
municipality
for purposes of
R.S.O. 1980,
c. 302, s. 311

(8) Every by-law of a local municipality as it exists on the 31st day of December, 1973, shall remain in force in the area of the former local municipality on and after the 1st day of January, 1974, and may be amended or repealed by the council of an area municipality or the council of The Municipality of Metropolitan Toronto or the council of the Borough of Scarborough, as the case may be, as it affects such area municipality or The Municipality of Metropolitan Toronto or the Borough of Scarborough. 1973, c. 147, s. 10 (2), *part*.

By-laws

By-laws

(9) Where any local municipality has passed a by-law that, prior to its coming into force, requires the approval of any minister of the Crown, any provincial ministry, the Municipal Board or any provincial body or agency, and such approval has not been obtained prior to the 31st day of December, 1973, the council of the area municipality, the council of The Municipality of Metropolitan Toronto, or the council of the Borough of Scarborough, as the case may be, which is successor to such local municipality shall be entitled to initiate or continue the procedure required to obtain such approval to the by-law passed by the local municipality in so far as it pertains to such area municipality, or to The Municipality of Metropolitan Toronto or to the Borough of Scarborough and the provisions of subsection (8) apply with necessary modifications to any such by-law. 1974, c. 5, s. 6.

Vesting of
transporta-
tion system
assets in
Regional
Corporation

(10) In the event that the Regional Corporation establishes a transportation system in accordance with the provisions of subsection (4), no area municipality shall operate such a system and all the assets and liabilities of any area municipality used for a public transportation system vest in the Regional Corporation on the day such regional transportation system is established, without compensation, and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such assets. 1973, c. 78; s. 123 (9).

Default

(11) Where the Regional Corporation fails to make any payment required by subsection (10) on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 124 (3).

Emergency
measures,
civil defence

130.—(1) The Regional Council may pass by-laws,

- (a) for the establishment and maintenance of an emergency measures civil defence organization in the Regional Area; and
- (b) for providing moneys for emergency measures and civil defence, for the purposes of the emergency measures civil defence organization and for the cost of the operation of such organization, and for other similar work in the Regional Area,

and when a by-law passed under this subsection is in force in the Regional Area, any by-law passed by the council of an area municipality under subclauses 209 (b) (ii) and (iii) of the *Municipal Act* have no effect.

R.S.O. 1980,
c. 302

(2) When a by-law passed under clause (1) (a) is in force, the Regional Council may pass by-laws,

Powers of
Regional
Council re
emergency
measures

- (a) with the consent of the area municipality or local board concerned, for appointing heads of departments and alternates to be members of or advisors to the emergency measures planning committee or any sub-committee thereof;
- (b) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their emergency functions;
- (c) for appointing members of the emergency measures planning committee or of any subcommittee thereof to be in charge of such departments or utilities throughout the Regional Area, as the by-law may provide, when an emergency has been proclaimed under the *War Measures Act* (Canada);
- (d) for acquiring alternative headquarters for the Regional Government outside the Regional Area;
- (e) for obtaining and distributing emergency materials, equipment and supplies; and
- (f) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack. 1973, c. 78, s. 124 (1, 2).

R.S.C. 1970,
c. W-2;

131.—(1) The Regional Corporation may make expenditures for the purpose of diffusing information respecting the advantages of the regional municipality as an industrial, business, educational, residential or vacation centre. 1973, c. 78, s. 125 (1); 1976, c. 43, s. 105.

Expenditures
for diffusing
information

(2) Paragraph 50 of section 210 and paragraph 22 of section 208 of the *Municipal Act* apply with necessary modifications to the Regional Corporation and no area municipality shall exercise any such powers save and except in respect of those lands acquired or held by a local municipality on or before the 31st day of December, 1973. 1973, c. 78, s. 125 (2).

Industrial
sites;
industries
department
R.S.O. 1980,
c. 302

Application
of s. 25

(3) In the event that any employee is required to remain on the staff of any area municipality to complete the function referred to in subsection (2), the provisions of section 25 apply with necessary modifications to such employee on the date he is transferred to the Regional Corporation. 1973, c. 147, s. 11.

Payment of
damages to
employees

132. Where, in an action or by the settlement of a claim arising out of any injury to an employee including a member of the Durham Regional Police Force, or to any person considered an employee for the purposes of the *Workmen's Compensation Act*, the Regional Corporation recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the Regional Corporation may impose. 1973, c. 78, s. 127.

R.S.O. 1980,
c. 539

Investiga-
tion by
county judge
of charges of
malfeasance

133.—(1) Where the Regional Council passes a resolution requesting a judge of the county court within the Regional Area or a judge of the county court of a county or judicial district adjoining the Regional Area, to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the Regional Council, or an officer or employee of the Regional Corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the Regional Corporation, or to inquire into or concerning any matter connected with the good government of the Regional Corporation or the conduct of any part of its public business, including any business conducted by a local board of the Regional Corporation, the judge shall make the inquiry and for that purpose has all the powers that may be conferred on a commission under Part II of the *Public Inquiries Act*, and he shall, with all convenient speed, report to the Regional Council the result of the inquiry and the evidence taken.

R.S.O. 1980,
c. 411

Fees payable
to judge

(2) The judge shall be paid by the Regional Corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under the *Judicature Act*.

R.S.O. 1980,
c. 223

Engaging
counsel

(3) The Regional Council may engage and pay counsel to represent the Regional Corporation and may pay all proper witness fees to persons summoned to give evidence at the instance of the Regional Corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel.

(4) The judge may engage counsel and other assistants and staff and incur such incidental expenses as he considers advisable for the proper conduct of the investigation or inquiry, and the Regional Corporation shall pay the costs thereof. 1973, c. 78, s. 128. Idem

134.—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into any of the affairs of the Regional Corporation or a local board thereof, and any matter connected therewith, and the commission has all the powers that may be conferred on a commission under Part II of the *Public Inquiries Act*. Commission of inquiry
R.S.O. 1980,
c. 411

(2) A commission may be recommended at the instance of the Ministry or upon the request in writing of not less than one-third of the members of the Regional Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein. When commission may issue

(3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner shall be fixed and certified by the Minister and are subject to such division between the Regional Corporation and the Province as the Lieutenant Governor in Council may direct. 1973, c. 78, s. 129. Expenses of commission

135. The Regional Corporation for its purposes may enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor but all such highways, including any sidewalks thereon, lanes and other public communications shall be restored to their original condition without unnecessary delay. 1973, c. 78, s. 130. Entry on highways, etc.

136. The Regional Corporation and any area municipality may enter into agreements for the use within any part of the Regional Area of the services of their respective officers, employees and equipment on any such terms and conditions as the councils deem necessary. 1973, c. 78, s. 131. Agreements re services

137.—(1) For the purposes of paragraph 9 of section 3 and section 26 of the *Assessment Act*, the Regional Corporation shall be deemed to be a municipality. Application of R.S.O. 1980,
c. 31

(2) For the purposes of paragraph 9 of section 3 of the *Assessment Act*, where property belonging to the Regional Corporation is occupied by an area municipality or where property belonging to an area municipality is occupied by Regional Corporation and area municipalities deemed not tenants

the Regional Corporation or another area municipality, the occupant shall not be considered to be a tenant or lessee, whether rent is paid for such occupation or not.

Interpre-
tation

(3) In subsection (2), "Regional Corporation" and "area municipality" include a local board thereof. 1973, c. 78, s. 132.

Execution
against
Regional
Corporation

138.—(1) An execution against the Regional Corporation may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following:

1. The sheriff shall deliver a copy of the writ and endorsement to the treasurer of the Regional Corporation, or leave such copy at the office or dwelling place of the treasurer, with a statement in writing of the sheriff's fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.
2. If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the Regional Council for general purposes are apportioned among the area municipalities, determine the portion of the amount mentioned in the statement that shall be levied against and in each area municipality.
3. The sheriff shall then in like manner as rates struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the execution, and in determining such amount he may make such addition to the same as the sheriff considers sufficient to cover its share of the interest up to the time when the rate will probably be available and his own fees and poundage.
4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality, and shall annex to the precept the roll of such rate and shall by the precept, after reciting the writ and that the Regional Corporation has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect to the general annual rates.

5. If, at the time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he shall add a column thereto, headed "Execution rate in A.B. vs. The Regional Municipality of Durham (adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.
6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same, to the treasurer of the area municipality.

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect, or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be considered to be officers of the court out of which the writ issued and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them. 1973, c. 78, s. 133.

Function
of clerk,
collector
and assessor

139.—(1) The County of Durham and the Corporation of the County of Ontario and the Corporation of the United Counties of Northumberland and Durham are dissolved on the 1st day of January, 1974, and the Regional Corporation shall stand in the place and stead of the County of Ontario and the United Counties of Northumberland and Durham in any agreements to which such county, or united counties, was, on the 31st day of December, 1973, a party, in so far as they pertain to the Regional Area.

Counties
dissolved

(2) With respect to agreements to which the County of Ontario, or the United Counties of Northumberland and Durham was a party, on the 31st day of December, 1973, the committee of arbitrators appointed under section 96 of *The Regional Municipality of Durham Act, 1973*, being chapter 78, shall, where necessary, determine the successor to such county or successors to such united counties for the purpose of such agreements in so far as they do not pertain to the Regional Area.

Idem

(3) On the 1st day of January, 1974,

Annexations

- (a) the townships of Rama and Mara are annexed to the County of Simcoe;

- (b) the Township of Manvers is annexed to the County of Victoria;
- (c) the townships of Cavan and South Monaghan and the Village of Millbrook are annexed to the County of Peterborough; and
- (d) the Township of Hope and the Town of Port Hope are annexed to the County of Northumberland.

Annexations
deemed by
orders of
O.M.B.

R.S.O. 1980,
c. 347

(4) For the purposes of every Act, the annexations provided for by subsection (3) shall be deemed to have been effected by orders of the Municipal Board, not subject to section 42 of the *Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the 1st day of January, 1974, pursuant to applications made under section 14 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, and, subject to the provisions of this Act, the Municipal Board, upon the application of any county or local municipality or local board thereof affected by the annexations or of its own motion, may exercise its powers consequent upon such annexations, and sections 94 and 95 of the *Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers. 1973, c. 78, s. 134.

County of
Northumber-
land
continued

(5) The inhabitants of the County of Northumberland together with the inhabitants of the Township of Hope and the Town of Port Hope are continued as a body corporate under the name of The Corporation of the County of Northumberland.

Agreement
successor
rights

(6) Where any agreement has been entered into by The Corporation of the United Counties of Northumberland and Durham, The Corporation of the County of Northumberland shall on and after the 1st day of January, 1974, be deemed to stand in the place and stead of The Corporation of the United Counties of Northumberland and Durham in so far as the agreement pertains to the County of Northumberland.

By-laws

(7) Every by-law of the United Counties of Northumberland and Durham as it exists on the 31st day of December, 1973, shall remain in force in the area of the County of Northumberland, as it exists on and after the 1st day of January, 1974, and may be amended or repealed by the council of the County of Northumberland as it affects such county. 1973, c. 147, s. 12, *part*.

Assets and
liabilities,
etc.

140.—(1) All the assets and liabilities excepting reserves, surpluses or deficits of the County of Ontario and the United Counties of Northumberland and Durham, in so far as they pertain to the Regional Area, become, on the 1st day of

January, 1974, the assets and liabilities of the Regional Corporation, and all documents and records kept by the clerk or treasurer or any other officer of the County of Ontario and of the United Counties of Northumberland and Durham, in so far as they pertain to the Regional Area, shall be transferred to the clerk of the Regional Corporation.

(2) Except as provided in this Act, the Municipal Board, upon the application of any area municipality or the Regional Corporation, may exercise any of the powers under clauses 14 (11) (a), (b) and (d) of the *Municipal Act* in relation to the dissolution of the County of Ontario and the United Counties of Northumberland and Durham. Powers of Municipal Board
R.S.O. 1980,
c. 302

(3) In the event of any doubt as to whether any particular asset or liability is vested in the Regional Corporation under this Act, the Municipal Board upon application has power to determine the matter as sole arbitrator and sections 94 and 95 of the *Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such power. Settling of doubts
R.S.O. 1980,
c. 347

(4) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of any asset assumed or vested in the Regional Corporation, the Municipal Board upon application may determine the matter and its decision is final. 1973, c. 78, s. 135. Idem

141. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are considered necessary or advisable to carry out effectively the purposes of this Act. 1973, c. 78, s. 136. Conditional powers

142.—(1) The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails. Conflict with other Acts

(2) The provisions of any special Act relating to the County of Ontario or a local board thereof or to the United Counties of Northumberland and Durham or a local board thereof or to any local municipality or local board thereof within the Regional Area, in so far as the provisions of such special Act are not in conflict with the provisions of this Act, continue in force, and the powers conferred by any such special Act may be exercised by the Regional Corporation or a local board thereof or by the corporation of the appropriate area municipality or a local board thereof according to whether the powers conferred by such special Act relate to a function assigned under this Act to the Regional Corporation or a local board thereof or to the area municipalities or local boards thereof. 1973, c. 78, s. 137. Special legislation

Municipal
buildings

143.—(1) The Regional Corporation or an area municipality or the Regional Corporation and one or more area municipalities,

(a) may acquire land for the purpose of constructing municipal buildings; and

(b) may construct municipal buildings for the use of the Regional Corporation or the Regional Corporation and one or more area municipalities or any local board thereof.

Application of
R.S.O. 1980,
c. 302, s. 125

(2) Section 125 of the *Municipal Act* applies with necessary modifications to any joint undertaking under this section. 1973, c. 78, s. 138.

Interpre-
tation

144.—(1) In this section, “waste” includes ashes, garbage, refuse, domestic waste, industrial solid waste or municipal refuse, and such other wastes as may be designated by by-law of the Regional Council.

Receiving
and disposing
of waste by
Regional
Corporation

(2) On and after the 1st day of January, 1974, the Regional Corporation shall provide facilities for the purpose of receiving, dumping and disposing of waste, and no area municipality shall provide such facilities. 1973, c. 78, s. 139 (1, 2).

Waste
disposal
sites

(3) For the purposes of subsection (2), the Regional Corporation may acquire and use land within the Regional Area and may erect, maintain and operate all facilities including buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person including Her Majesty in right of Ontario for such purposes, and may prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon such land, and may prescribe rates or charges for the use of such property, which rates or charges may relate to the volume, weight, or class of waste, or otherwise as the Regional Council considers appropriate in the circumstances, and all such existing facilities and lands of a local municipality to the extent they are used for such purposes vest in the Regional Corporation on the 1st day of January, 1974, without compensation. 1973, c. 78, s. 139 (3); 1974, c. 117, s. 54.

Payments of
principal and
interest to
area muni-
cipalities

(4) The Regional Corporation shall pay to the corporation of any area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection (3). 1973, c. 78, s. 139 (4).

(5) If the Regional Corporation fails to make any payment required by subsection (4) on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 125. Default

(6) In the event of any doubt as to whether any outstanding debt or portion thereof was incurred in respect of any property vested in the Regional Corporation under this section, the Municipal Board may determine the matter and such determination is final and binding. O.M.B. to arbitrate

(7) For the purposes of subsection (3), paragraph 84 of section 210 of the *Municipal Act* applies with necessary modifications. 1973, c. 78, s. 139 (6, 7). Application of R.S.O. 1980, c. 302, s. 210, par. 84

145.—(1) Where any agreement has been entered into by a local municipality, providing the terms thereof are not inconsistent with the provisions of this Act, the Regional Corporation or the appropriate area municipality shall on and after the 1st day of January, 1974, be deemed to stand in the place and stead of such local municipality in so far as the agreement pertains to the functions of the Regional Corporation or area municipality. 1973, c. 78, s. 140. Agreement successor rights

(2) For the purposes of subsection (1), "Regional Corporation" shall be deemed to include The Municipality of Metropolitan Toronto and "area municipality" shall be deemed to include The Corporation of the Borough of Scarborough. 1973, c. 147, s. 13. Interpretation

146. The Regional Corporation shall appoint a Regional Fire Co-ordinator who shall be responsible for the establishment of an emergency fire service plan and program for the Regional Area, and the Regional Corporation is authorized to expend such sums as it considers necessary to implement such plan and program. 1973, c. 78, s. 141. Regional Fire Co-ordinator

147.—(1) Notwithstanding the other provisions of this Act, but subject to subsections (2) and (3), for the purposes of section 109 of the *Highway Traffic Act* the area in the Regional Area that, on the 31st day of December, 1973, formed part of a town, village or township municipality shall be considered to continue to form part of a town, village or township municipality. Existing speed limits continued R.S.O. 1980, c. 198

(2) Notwithstanding subsection (1), the Regional Council and the council of each area municipality may exercise any of its powers under section 109 of the *Highway Traffic Act* in respect of highways under its jurisdiction and control. By-laws of Regional Council and area councils

Existing
speed limits
continued

(3) Every by-law passed by the council of a municipality under any provision of section 109 of the *Highway Traffic Act* that applied, on the 31st day of December, 1973, to any highway or portion thereof within the Regional Area shall continue to apply thereto until a by-law passed by the Regional Council or the council of an area municipality under such section 109 applies thereto. 1973, c. 78, s. 142.

Regional
Municipality
school
division

148.—(1) Notwithstanding the provisions of any other Act, on and after the 1st day of January, 1974, The Regional Municipality of Durham, except the area municipality of the Town of Newcastle, is a school division and The Ontario County Board of Education is continued, subject to subsection 54 (6) of the *Education Act*, as the divisional board of education for The Regional Municipality of Durham, except the area municipality of the Town of Newcastle.

R.S.O. 1980,
c. 129

Vesting of
property

(2) Subject to subsection (3), on the 1st day of January, 1974, all real and personal property in the Regional Area except the area municipality of the Town of Newcastle that, on the 31st day of December, 1973, was vested in The Northumberland and Durham County Board of Education is vested in the divisional board for the portion of the Regional Area referred to in subsection (1), and all debts, contracts, agreements and liabilities for which The Northumberland and Durham County Board of Education was liable in respect of such real and personal property become obligations of the divisional board for such portion of the Regional Area.

Adjustment
of assets
and
liabilities

(3) The divisional board for the portion of the Regional Area referred to in subsection (1) and The Northumberland County Board of Education referred to in section 149 shall adjust in an equitable manner as may be agreed upon, the assets and the liabilities as at the 31st day of December, 1973, in respect of such real and personal property referred to in subsection (2), except lands and premises used as schools on such 31st day of December and the furniture and equipment therein, and in default of agreement as the Municipal Board considers equitable.

Employment
contracts

(4) The employment contract of every employee who, immediately before the 1st day of January, 1974, was employed by The Northumberland and Durham County Board of Education to provide services in a school that on and after the 1st day of January, 1974, is included in the Regional Area except the area municipality of the Town of Newcastle shall be deemed to have been made with the divisional board for the portion of the Regional Area referred to in subsection (1). 1973, c. 78, s. 144.

149. Notwithstanding the provisions of any other Act, on and after the 1st day of January, 1974, The Northumberland and Durham County Board of Education is continued and shall, subject to subsection 54 (6) of the *Education Act*, be known as The Northumberland County Board of Education and shall have jurisdiction for school purposes in the County of Northumberland and in the area municipality of the Town of Newcastle. 1973, c. 78, s. 145 (1).

Northumberland and Durham County Board of Education continued
R.S.O. 1980, c. 129

150.—(1) Notwithstanding the provisions of any other Act, on and after the 1st day of January, 1974, The Ontario County Roman Catholic Separate School Board is continued, subject to subsection 111 (4) of the *Education Act*, as a county combined separate school board for the Regional Area except the area municipality of the Town of Newcastle.

Ontario County Roman Catholic Separate School Board continued

(2) Notwithstanding the provisions of any other Act, on and after the 1st day of January, 1974, The Peterborough-Victoria-Northumberland and Durham County Roman Catholic Separate School Board is continued and shall be known, subject to subsection 111 (2) of the *Education Act*, as The Northumberland-Peterborough-Victoria County Roman Catholic Separate School Board and shall have jurisdiction in the Counties of Northumberland, Peterborough, and Victoria and in the area municipality of the Town of Newcastle. 1973, c. 78, s. 146.

Idem

151. Section 59 of the *Education Act* applies to the election of the members of The Ontario County Board of Education, and section 113 of the *Education Act* applies to the election of the trustees of The Ontario County Roman Catholic Separate School Board. 1973, c. 78, s. 147, *revised*.

Elections for educational purposes

152.—(1) On the 31st day of December, 1973, all community centre boards and all boards of recreation or park management in a local municipality are dissolved and the assets and liabilities thereof become, on the 1st day of January, 1974, the assets and liabilities of the area municipality of which the local municipality becomes a part, and in the event the area of jurisdiction of any such board is divided between two area municipalities, the committee of arbitrators appointed under section 96 of *The Regional Municipality of Durham Act, 1973*, being chapter 78, shall make the determination of the disposition of such assets and liabilities in the manner prescribed in that section.

Boards, etc., dissolved

(2) The council of an area municipality shall be deemed to be a recreation committee under the *Ministry of Culture and Recreation Act* and the regulations thereunder, and a board of a community recreation centre under the *Community Recreation Centres Act*. 1973, c. 78, s. 148.

Council deemed recreation committee, etc.
R.S.O. 1980, cc. 276, 80

Acquiring
land for
parks, etc.

153.—(1) The Regional Council may pass by-laws for acquiring land for and establishing, laying out and improving and maintaining public parks, zoological gardens, recreation areas, squares, avenues, boulevards and drives in the Regional Area and for exercising all or any of the powers that are conferred on boards of park management by the *Public Parks Act*.

R.S.O. 1980,
c. 417

Sale of
spirituous,
etc., liquors
in parks

(2) In addition to the powers that may be exercised under subsection (1), the Regional Council has power to let from year to year, or for any time not exceeding ten years, the right to sell, subject to the *Liquor Licence Act*, and the regulations made thereunder, spirituous, fermented or intoxicating liquors within regional parks under such regulations as the Regional Council may prescribe.

R.S.O. 1980,
c. 244

Application of
R.S.O. 1980,
c. 302

(3) Paragraph 53 of section 208 of the *Municipal Act* applies with necessary modifications to the Regional Corporation.

Regional
Corporation a
municipality
under
R.S.O. 1980,
c. 367

(4) The Regional Corporation shall be deemed to be a municipality for the purposes of the *Parks Assistance Act*.

Park lands
owned by
conservation
authority

(5) Where, under an agreement with any conservation authority, lands vested in the conservation authority are managed and controlled by the Regional Corporation, the Regional Corporation may,

(a) exercise all or any of the powers conferred on it under subsection (1) in respect of such lands;

(b) lay out, construct and maintain roads on such lands and, with the consent of the area municipality in which such lands, or any part thereof, are situate, assume the maintenance of existing roads on such lands, or any part thereof;

R.S.O. 1980,
c. 198

(c) subject to the *Highway Traffic Act*, regulate traffic on such roads and prescribe the rate of speed for motor vehicles driven on such roads in accordance with subsection 109 (3) of the *Highway Traffic Act*.

Payment in
lieu of
taxes

(6) The Regional Council may agree to pay annually to the area municipality in which any land used for the purposes set out in subsection (1) is situate a sum not exceeding the amount that would have been payable to the municipality as taxes if the land were not exempt from taxation.

Regional
Council
deemed
community
recreation
centre
board, etc.

(7) The Regional Council shall be deemed to be a recreation committee under the *Ministry of Culture and Recreation Act* and the regulations thereunder and a board of a community recreation

R.S.O. 1980,
cc. 276, 80

centre under the *Community Recreation Centres Act*. 1973, c. 78, s. 149.

154. Notwithstanding the provisions of the *Public Libraries Act*, the Minister may by order provide for the establishment of a public library board in any area municipality and for the transfer of any assets and liabilities of any former public library board to such new board. 1973, c. 78, s. 151.

Public
library
boards
R.S.O. 1980,
c. 414

155. The council of the City of Oshawa may pass any by-law that a board of commissioners of police of a city is authorized to pass under the *Municipal Act*. 1973, c. 78, s. 152.

Power of
cities in
Regional
Area to pass
by-laws
R.S.O. 1980,
c. 302

156.—(1) The Oshawa Suburban Roads Commission is dissolved on the 1st day of January, 1974.

Roads
commission
dissolved

(2) All the assets and liabilities of the roads commission referred to in subsection (1) become, on the 1st day of January, 1974, the assets and liabilities of the Regional Corporation, and all documents and records kept by any officer of such roads commission shall be transferred to the clerk. 1973, c. 78, s. 153.

Assets and
liabilities

FORM 1

(Section 9 (4))

OATH OF ALLEGIANCE

I,.....,
having been elected (*or appointed*) as chairman of the council of The Regional
Municipality of Durham, do swear that I will be faithful and bear true
allegiance to Her Majesty Queen Elizabeth II (or the reigning sovereign for
the time being).

Sworn before me, etc.

1973, c. 78, Form 1.

FORM 2

(Section 9 (4))

DECLARATION OF QUALIFICATION BY CHAIRMAN

I,.....,
having been elected (*or appointed*) as chairman of the council of The Regional
Municipality of Durham declare that:

1. I am a British subject and am not a citizen or a subject of any
foreign country.
2. I am of the full age of eighteen years.
3. I am not an officer, employee or servant of any area municipality
or local board of any area municipality.
4. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be
true and knowing that it is of the same force and effect as if made under
oath.

Declared before me, etc.

1973, c. 78, Form 2.

CHAPTER 435

Regional Municipality of Haldimand-Norfolk Act

INTERPRETATION

1. In this Act,

Interpre-
tation

- (a) “area municipality” means the municipality or corporation of the Township of Delhi, the City of Nanticoke, the Town of Dunnville, the Town of Haldimand, the Town of Simcoe and the Township of Norfolk, all as constituted by section 2;
- (b) “bridge” means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) “chairman” means the chairman of the Regional Council;
- (d) “debt” includes any obligation for the payment of money;
- (e) “divided municipality” means a local municipality parts of which are annexed to two or more municipalities under subsection 2 (1);
- (f) “highway” and “road” mean a common and public highway or any part thereof, and include a street, bridge, and any other structure incidental thereto or any part thereof;
- (g) “land” includes lands, tenements and hereditaments and any estate or interest therein, and any right or easement affecting them, and land covered with water, and includes any buildings or improvements on land;
- (h) “local board” means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority

established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the Regional Corporation or of an area municipality or of two or more area municipalities or parts thereof;

- (i) "local municipality" until the 1st day of April, 1974, means any local municipality or portion thereof in the Regional Area;
- (j) "merged area" means a local municipality that is amalgamated with another local municipality or a part of a local municipality that is annexed to a local municipality to constitute an area municipality under subsection 2 (1) or the local municipality to which such part is annexed;
- (k) "Minister" means the Minister of Intergovernmental Affairs;
- (l) "Ministry" means the Ministry of Intergovernmental Affairs;
- (m) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money, other than a by-law passed under section 86;
- (n) "Municipal Board" means the Ontario Municipal Board;
- (o) "Regional Area",
 - (i) until the 1st day of April, 1974, means the area included within the counties of Haldimand and Norfolk, and
 - (ii) on and after the 1st day of April, 1974, means the area from time to time included within the area municipalities;
- (p) "Regional Corporation" means The Regional Municipality of Haldimand-Norfolk;
- (q) "Regional Council" means the council of the Regional Corporation;
- (r) "regional road" means a road forming part of the regional road system established under Part III;

- (s) "roadway" means that part of the highway designed or intended for use by vehicular traffic. 1973, c. 155, s. 1.

PART I

AREA MUNICIPALITIES

2.—(1) On the 1st day of April, 1974,

Constitution
of area
municipalities

- (a) The portions of the townships of Charlotteville, Middleton, South Walsingham and Windham, described as follows, are annexed to The Corporation of the Town of Delhi to establish a township municipality bearing the name of The Corporation of the Township of Delhi.

FIRSTLY, part of the Township of Charlotteville, commencing at the intersection of the east boundary of the Township of Charlotteville and the centre line of the road allowance between concessions V and VI of the Township of Charlotteville;

THENCE westerly along the centre line of the road allowance between the said concessions to the southerly prolongation of the west limit of Lot 24 in Concession VI of the said Township;

THENCE northerly to and along the west limit of Lot 24 in concessions VI, VII, VIII and IX and the northerly prolongation thereof to the north boundary of the Township of Charlotteville;

THENCE westerly along the north boundary of the Township of Charlotteville to its northwest angle;

THENCE southerly along the west boundary of the Township of Charlotteville and its prolongation in accordance with *The Territorial Division Act*, being chapter 458 of the Revised Statutes of Ontario, 1970, to the middle of Inner Bay of Lake Erie;

THENCE easterly along the middle of Inner Bay and Long Point Bay to the southerly prolongation of the east boundary of the Township of Charlotteville;

THENCE northerly to and along the east boundary of the said Township to the point of commencement;

SECONDLY, part of the Township of Middleton, commencing at the northeast angle of the Township of Middleton;

THENCE westerly along the north boundary of the Township of Middleton to the northerly prolongation of the west limit of Lot 43 in Concession II north of Talbot Road of the said Township of Middleton;

THENCE southerly to and along the west limit of Lot 43 in concessions II and I north of Talbot Road and in concessions I and II south of Talbot Road to the middle of the main channel of Big Creek;

THENCE southwesterly following the middle of Big Creek to the south boundary of the Township of Middleton;

THENCE easterly along the south boundary of the Township of Middleton to its southeast angle;

THENCE northerly along the east boundary of the Township of Middleton to the boundary of the Town of Delhi;

THENCE following the boundaries between the Township of Middleton and the Town of Delhi to the east boundary of the said Township;

THENCE northerly along the east boundary of the Township of Middleton to the point of commencement;

THIRDLY, part of the Township of South Walsingham, commencing at the intersection of the east boundary of the Township of South Walsingham and the centre line of the road allowance between concessions II and III of the said Township;

THENCE westerly along the centre line of the said road allowance to the northerly prolongation of the west limit of Lot 24 in Concession II of the Township of South Walsingham;

THENCE southerly to and along the west limit of Lot 24 in concessions II and I to the centre line of the gravel road crossing Lot 24 in Concession I of the Township of South Walsingham;

THENCE easterly, northerly and easterly following the centre line of the said gravel road to the east boundary of the Township of South Walsingham;

THENCE northerly along the east boundary of the said Township to the point of commencement;

FOURTHLY, part of the Township of Windham, commencing at the northeast angle of the Township of Windham;

THENCE southerly along the east boundary of the Township of Windham to the easterly prolongation of the centre line of road allowance between concessions XII and XIII of the said Township;

THENCE westerly along the centre line of road allowance between the said concessions to the centre line of the road allowance between lots 6 and 7 in Concession XIII of the Township of Windham;

THENCE southerly along the centre line of road allowance between lots 6 and 7 in concessions XIII and XIV to the south boundary of the said Township of Windham;

THENCE westerly along the south boundary of the Township of Windham to its southwest angle;

THENCE northerly following the westerly boundary of the Township of Windham to the boundary of the Town of Delhi;

THENCE following the boundaries between the Township of Windham and the Town of Delhi to the west boundary of the said Township of Windham;

THENCE northerly along the west boundary of the said Township to its northwest angle;

THENCE easterly along the north boundary of the Township of Windham to the point of commencement;

- (b) The Corporation of the Village of Jarvis, The Corporation of the Town of Port Dover and The Corporation of the Town of Waterford are amalgamated as a city municipality bearing the name of The Corporation of the City of Nanticoke and

the portions of the townships of Rainham, Townsend, Walpole and Woodhouse described as follows, are annexed to such city:

FIRSTLY, part of the Township of Rainham, commencing at a point in the west boundary of the Township of Rainham where it intersects the limit between the north and south halves of Lot 1 in Concession II of the said Township;

THENCE easterly along the limit between the north and south halves of said Lot 1 being the north limit of the lands of O. Hoover as described in Instrument Number 6966 to the east limit of said Lot 1;

THENCE southerly along the east limit of Lot 1 in concessions II and I in the said Township of Rainham to the north limit of the lands of V. and M. Hare, described in Instrument Number 83254;

THENCE westerly along the north limit of the said lands and the prolongation thereof to the west boundary of the Township of Rainham;

THENCE northerly along the west boundary of the Township of Rainham to the point of commencement;

SECONDLY, part of the Township of Townsend, commencing at the northwest angle of the Township of Townsend;

THENCE southerly along the west boundary of the Township of Townsend to the westerly prolongation of the centre line of the road allowance between concessions XII and XIII of the said Township;

THENCE easterly to and along the centre line of the said road allowance to the northerly prolongation of the west limit of Lot 4 in Concession XIII of the said Township;

THENCE southerly to and along the west limit of Lot 4 in concessions XIII and XIV to the south boundary of the said Township of Townsend;

THENCE easterly along the south boundary of the said Township to its southeast angle;

THENCE northerly along the east boundary of the Township of Townsend to its northeast angle;

THENCE northwesterly and westerly following the northern boundaries of the Township of Townsend to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Corporation Boundary of the Town of Waterford.

THIRDLY, part of the Township of Walpole, commencing at the northwest angle of the Township of Walpole;

THENCE southeasterly along the northeast boundary of the Township of Walpole to the northerly boundary of the Village of Hagersville;

THENCE westerly and southerly following the boundaries between the Township of Walpole and the Village of Hagersville to an angle in the said Village being a point in the west limit of Lot 13 in Concession XIII;

THENCE southerly along the east limit of Lot 13 in concessions XIII, XII and XI of the Township of Walpole to the centre line of road allowance between concessions X and XI of the said Township;

THENCE easterly along the centre line of the said road allowance to the northeast boundary of the said Township of Walpole;

THENCE southeasterly and southerly along the easterly boundaries of the Township of Walpole to its southeast angle;

THENCE westerly along the south boundary of the Township of Walpole to its southwest angle;

THENCE northerly along the west boundary of the Township of Walpole to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Corporation Boundary of the Village of Jarvis;

FOURTHLY, part of the Township of Woodhouse, commencing at the northeast angle of the Township of Woodhouse;

THENCE southerly along the east boundary of the Township of Woodhouse and its prolongation in accordance with *The Territorial Division Act*, being chapter 458 of the Revised Statutes of Ontario, 1970, to the middle of Long Point Bay;

THENCE westerly along the middle of the said bay to the southerly prolongation of the west boundary of the said Township of Woodhouse;

THENCE northerly to and along the west boundary of the Township of Woodhouse to the centre line of the road between lots 22 and 23 in the Gore of the said Township of Woodhouse;

THENCE easterly along the centre line of the road between lots 22 and 23 and between lots 6 and 7 in the Gore of the Township of Woodhouse to the centre line of the road allowance between the said Gore and Lot 1 in Concession III of the said Township;

THENCE southerly along the centre line of the said road allowance to the road allowance between concessions II and III of the said Township of Woodhouse;

THENCE easterly along the centre line of the said road allowance between concessions II and III to the centre line of the road at the east limit of Lot 3 in Concession III known as the Ireland Side Road;

THENCE northerly following the centre line of the said Side Road and all its bends to the boundary of the Town of Simcoe;

THENCE northerly along the boundaries between the Township of Woodhouse and the Town of Simcoe to the north boundary of the said Township;

THENCE easterly along the north boundary of the Township of Woodhouse to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Corporation Boundary of the Town of Port Dover;

- (c) The Corporation of the Township of Canborough, The Corporation of the Township of Dunn, The Corporation of the Town of Dunnville, The Corporation of the Township of Moulton and The Corporation of the Township of Sherbrooke are amalgamated as a town municipality bearing the name of The Corporation of the Town of Dunnville;
- (d) The Corporation of the Town of Caledonia, The Corporation of the Village of Cayuga, The Corporation of the Village of Hagersville, The Corporation of the Township of North Cayuga, The Corporation of the Township of Oneida, The Corporation of the Township of Seneca and The Corporation of the Township of South Cayuga are amalgamated as a town municipality bearing the name of The Corporation of the Town of Haldimand and the portions of the townships of Rainham and Walpole, described as follows, are annexed to such town:

FIRSTLY, part of the Township of Rainham, commencing at the northerly angle of the Township of Rainham;

THENCE southeasterly along the northeast and easterly boundaries of the Township of Rainham to its southeast angle in Lake Erie;

THENCE westerly along the south boundary of the Township of Rainham to its southwest angle;

THENCE northerly along the west boundary of the Township of Rainham to the westerly prolongation of the north limit of the lands of V. and M. Hare, as described in Instrument Number 83254;

THENCE easterly to and along the last mentioned lands to the east limit of Lot 1 in Concession I of the said Township of Rainham;

THENCE northerly along the east limit of Lot 1 in concessions I and II to the limit between the north and south halves of Lot 1 in Concession II in the said Township of Rainham the said limit being the north limit of the lands of O. Hoover, as described in Instrument Number 6966;

THENCE westerly along the limit between the north and south halves of said Lot 1 to the west boundary of the said Township;

THENCE northerly along the west boundary of the said Township of Rainham to the point of commencement;

SECONDLY, part of the Township of Walpole, commencing at a point in the northeast boundary of the Township of Walpole where it is intersected by the centre line of the road allowance between concessions X and XI of the said Township;

THENCE westerly along the centre line of the said road allowance to the southerly prolongation of the east limit of Lot 13 in Concession XI of the Township of Walpole;

THENCE northerly to and along the east limit of Lot 13 in concessions XI, XII and XIII of the said Township of Walpole to an angle in the Village of Hagersville;

THENCE southerly and easterly following the boundaries between the Township of Walpole and the Village of Hagersville to the northeast boundary of the said Township of Walpole;

THENCE southeasterly along the northeast boundary of the said Township to the point of commencement;

- (e) The portions of the townships of Charlotteville, Townsend, Windham and Woodhouse, described as follows, are annexed to The Corporation of the Town of Simcoe;

FIRSTLY, part of the Township of Charlotteville, commencing at a point in the east boundary of the Township of Charlotteville where it intersects the centre line of the road allowance between concessions V and VI of the Township of Charlotteville;

THENCE westerly along the centre line of the said road allowance to the southerly prolongation of the west limit of Lot 24 in Concession VI of the said Township;

THENCE northerly to and along the west limit of Lot 24 in concessions VI, VII, VIII and IX and the northerly prolongation thereof to the north boundary of the said Township of Charlotteville;

THENCE easterly along the north boundary of the Township of Charlotteville to its northeast angle;

THENCE southerly along the east boundary of the Township of Charlotteville to the point of commencement;

SECONDLY, part of the Township of Townsend, commencing at the intersection of the west boundary of the Township of Townsend and the centre line of the road allowance between concessions XII and XIII of the said Township;

THENCE easterly along the centre line of the said road allowance to the northerly prolongation of the west limit of Lot 4 in Concession XIII of the Township of Townsend;

THENCE southerly to and along the west limit of Lot 4 in concessions XIII and XIV of the Township of Townsend to its south boundary;

THENCE westerly following the boundaries between the Township of Townsend and the Town of Simcoe to the west boundary of the said Township;

THENCE northerly along the west boundary of the Township of Townsend to the point of commencement;

THIRDLY, part of the Township of Windham, commencing at the intersection of the east boundary of the Township of Windham and the centre line of the road allowance between concessions XII and XIII of the said Township;

THENCE westerly along the centre line of the said road allowance to the centre line of the road allowance between lots 6 and 7 in Concession XIII of the Township of Windham;

THENCE southerly along the centre line of the road allowance between lots 6 and 7 in concessions XIII and XIV to the south boundary of the said Township of Windham;

THENCE easterly along the south boundary of the Township of Windham to the boundary of the Town of Simcoe;

THENCE northeasterly following the boundaries between the Township of Windham and the Town of Simcoe to the east boundary of the said Township;

THENCE northerly along the east boundary of the Township of Windham to the point of commencement;

FOURTHLY, part of the Township of Woodhouse, commencing at the intersection of the west boundary of the Township of Woodhouse and the centre line of the road between lots 22 and 23 in the Gore of the said Township of Woodhouse;

THENCE easterly along the centre line of the road between lots 22 and 23 and between lots 6 and 7 in the Gore of the said Township of Woodhouse to the centre line of the road allowance between the said Gore and Lot 1 in Concession III of the said Township;

THENCE southerly along the centre line of the said road allowance to the centre line of the road allowance between concessions II and III of the said Township of Woodhouse;

THENCE easterly along the road allowance between concessions II and III to the centre line of the road at the east limit of Lot 3 in Concession III, known as the Ireland Side Road;

THENCE northerly following the centre line of the Ireland Side Road and all its bends to the boundary of the Town of Simcoe;

THENCE in a general northwesterly direction following the boundaries between the Township of Woodhouse and the Town of Simcoe to the north boundary of the said Township;

THENCE westerly along the north limit of the Township of Woodhouse to its northwest angle;

THENCE southerly along the west boundary of the Township of Woodhouse to the point of commencement;

- (f) The Corporation of the Township of Houghton, The Corporation of the Township of North Walsingham and The Corporation of the Village of Port

Rowan are amalgamated as a township municipality bearing the name of The Corporation of the Township of Norfolk and the portions of the townships of Middleton and South Walsingham, described as follows, are annexed to such township;

FIRSTLY, part of the Township of Middleton, commencing at the southwest angle of the Township of Middleton;

THENCE northerly along the west boundary of the Township of Middleton to the line between concessions IV and V north of Talbot Road of the said Township;

THENCE northeasterly along the line between the said concessions to the boundary of the Town of Tillsonburg;

THENCE southerly, easterly and northerly following the boundaries between the Township of Middleton and the Town of Tillsonburg to the north boundary of the Township of Middleton;

THENCE easterly along the north boundary of the Township of Middleton to the northerly prolongation of the west limit of Lot 43 in Concession II north of Talbot Road of the said Township of Middleton;

THENCE southerly to and along the west limit of Lot 43 in concessions II and I north of Talbot Road and in concessions I and II south of Talbot Road to the middle of the main channel of Big Creek;

THENCE southwesterly following the middle of the said main channel to the south boundary of the Township of Middleton;

THENCE westerly along the south boundary of the Township of Middleton to the point of commencement;

SECONDLY, part of the Township of South Walsingham, commencing at the northeast angle of the Township of South Walsingham;

THENCE southerly along the east boundary of the Township of South Walsingham to the centre line of the road allowance between concessions II and III of the said Township;

THENCE westerly along the centre line of the said road allowance to the northerly prolongation of the west limit of Lot 24 in Concession II of the said Township of South Walsingham;

THENCE southerly to and along the west limit of Lot 24 in concessions II and I to the centre line of the gravel road crossing the middle of said Lot 24 in Concession I of the Township of South Walsingham;

THENCE easterly, northerly and easterly along the centre line of the said gravel road to the east boundary of the Township of South Walsingham;

THENCE southerly along the east boundary of the said Township and its prolongation to the middle of Inner Bay of Lake Erie;

THENCE easterly along the middle of Inner Bay and Long Point Bay to its intersection with the southerly prolongation of the west boundary of the Township of Walpole into Lake Erie;

THENCE southerly along the said prolongation, being along the east boundary of the Township of South Walsingham, to the International Boundary between Canada and the United States of America;

THENCE westerly along the said International Boundary to the southerly prolongation of the west boundary of the Township of South Walsingham;

THENCE northerly to and along the west boundary of the Township of South Walsingham to its north-west angle;

THENCE easterly along the north boundary of the said Township to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Corporation Boundary of the Village of Port Rowan. 1973, c. 96, s. 2 (1).

Portion of
Middleton
annexed to
Tillsonburg

(2) The portion of the Township of Middleton described as follows is annexed to the Town of Tillsonburg on the 1st day of April, 1974:

COMMENCING at the northwest angle of the Township of Middleton;

THENCE southerly along the west boundary of the Township of Middleton to the line between concessions IV and V north of Talbot Road of the Township of Middleton;

THENCE northeasterly along the line between the said concessions to the boundary of the Town of Tillsonburg;

THENCE northerly along the boundary between the Township of Middleton and the Town of Tillsonburg to the north boundary of the Township of Middleton;

THENCE westerly along the north boundary of the Township of Middleton to the point of commencement. 1973, c. 155, s. 2.

(3) The following police villages are dissolved on the 1st day of April, 1974:

Dissolution
of police
villages

1. The Police Village of Canfield.
2. The Police Village of Fisherville.
3. The Police Village of St. Williams.
4. The Police Village of Selkirk.
5. The Police Village of Vittoria.

(4) For the purposes of every Act, the amalgamations, annexations and dissolutions provided for in this Part shall be deemed to have been effected by orders of the Municipal Board not subject to section 42 of the *Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the 18th day of October, 1973 pursuant to applications made under sections 14 and 25 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970 and, subject to the provisions of this Act, the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations, annexations and dissolutions, and sections 94 and 95 of the *Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers and "municipalities" in clause 14 (11) (a) of the *Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed. 1973, c. 96, s. 2 (2, 3).

Amalgama-
tions,
annexations,
and
dissolutions
deemed by
Municipal
Board orders
R.S.O. 1980.
cc. 347, 302

Composition
of area
municipal
councils

3.—(1) The council of each area municipality shall be composed of a mayor, who shall be elected by a general vote of the electors of the area municipality and shall be the head of the council, and the following number of other members of council:

1. The Township of Delhi—except as may be provided under subsection (2), eleven members, two of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and nine of whom shall be elected by wards as members of the council of the area municipality.
2. The City of Nanticoke—except as may be provided under subsection (2), twelve members, three of whom shall be elected by wards as members of the council of the area municipality and of the Regional Council, and nine of whom shall be elected by wards as members of the council of the area municipality.
3. The Town of Dunnville—except as may be provided under subsection (2), nine members, two of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and seven of whom shall be elected by wards as members of the council of the area municipality.
4. The Town of Haldimand—except as may be provided under subsection (2), seventeen members, two of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and fifteen of whom shall be elected by wards as members of the council of the area municipality.
5. The Town of Simcoe—except as may be provided under subsection (2), nine members, two of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and seven of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality.
6. The Township of Norfolk—except as may be provided under subsection (2), eight members, two of whom shall

be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and six of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality. 1973, c. 96, s. 3 (1).

(2) Upon the application of an area municipality authorized by a by-law of the council thereof, or upon the petition of electors in accordance with the provisions of section 13 of the *Municipal Act*, the Municipal Board may, by order,

Alteration
of wards, etc.,
by O.M.B.

R.S.O. 1980,
c. 302

- (a) divide or redivide the area municipality into wards, and shall designate the name or number each ward shall bear and shall declare the date when the division or redivision shall take effect;
- (b) alter or dissolve any or all of the wards in the area municipality and shall declare the date when such alterations or dissolutions shall take effect; or
- (c) vary the composition of the council of the area municipality, /

provided that,

- (d) no order made under this section shall alter the total number of members who represent the area municipality on the Regional Council, as provided for in this Act; and
- (e) the mayor of the area municipality shall continue to be elected by a general vote of the electors of the area municipality, and shall be the head of the council of the area municipality, and shall be a member of the Regional Council, as provided for in this Act. 1976, c. 43, s. 107.

(3) Notwithstanding section 7, the Lieutenant Governor in Council, upon the recommendation of the Minister, may, by order authorize such method of selecting the members who represent the area municipality on the Regional Council as is considered advisable following an order of the Municipal Board under subsection (2). 1977, c. 34, s. 48.

Order of
L. G. in C.

(4) Where the Minister is inquiring into the structure, organization and methods of operation of one or more area municipalities or the Regional Corporation, he may give notice to the Municipal Board of such inquiry and that in his opinion any application or applications and any petition or petitions made under subsection (2) should be deferred until the inquiry has been

Stay of
proceedings
pending
completion
of inquiry

completed and considered, and thereupon all proceedings in any such application are stayed until he gives notice to the Municipal Board that they may be continued. 1979, c. 81, s. 126.

No Board
of Control

4. No area municipality shall have a Board of Control. 1973, c. 96, s. 5.

PART II

INCORPORATION AND ESTABLISHMENT OF THE REGIONAL COUNCIL

Regional
Corporation
continued

5.—(1) The inhabitants of the Regional Area are continued as a body corporate under the name of "The Regional Municipality of Haldimand-Norfolk".

Deemed
municipality
under
R.S.O. 1980,
cc. 303, 347

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of the *Municipal Affairs Act* and the *Ontario Municipal Board Act*.

Regional
Area deemed
county for
judicial
purposes

(3) Each of the judicial districts of Haldimand and Norfolk, as described in subsection (4), shall be deemed to be a county for all judicial purposes.

Haldimand
and Norfolk
judicial
district

(4) For judicial purposes, the Regional Area is divided into two judicial districts as follows:

1. The Judicial District of Haldimand composed of all the area of the County of Haldimand as it existed on the 31st day of March, 1974.
2. The Judicial District of Norfolk composed of all the area of the County of Norfolk as it existed on the 31st day of March, 1974.

Registry
boundaries

(5) Nothing in this Act shall be deemed to alter the boundaries of any registry or land titles division.

Appoint-
ments for
counties
deemed
appointments
for judicial
districts

(6) Every person who held an office or appointment under any Act on the 31st day of March, 1974, in and for the County of Haldimand or in and for the County of Norfolk shall be deemed, so long as he continues to hold such office or appointment, to hold such office or appointment on and after the 1st day of April, 1974, in and for the Judicial District of Haldimand or the Judicial District of Norfolk, as the case may be. 1973, c. 96, s. 6 (1-6).

Regional
Council to
exercise
corporate
powers

6.—(1) The powers of the Regional Corporation shall be exercised by the Regional Council and, except where other-

wise provided, the jurisdiction of the Regional Council is confined to the Regional Area.

(2) Except where otherwise provided, the powers of the Regional Council shall be exercised by by-law. Powers exercised by by-law

(3) A by-law passed by the Regional Council in the exercise of any of its powers and in good faith shall not be open to question, or be quashed, set aside or declared invalid either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them. 1973, c. 96, s. 7. Not to be quashed as unreasonable

7. The Regional Council shall consist of twenty members composed of a chairman and, Composition of Regional Council

- (a) the mayor of each area municipality;
- (b) two members of the council of the area municipality of the Township of Delhi who have been elected as members of the Regional Council and of the council of such area municipality;
- (c) three members of the council of the area municipality of the City of Nanticoke who have been elected as members of the Regional Council and of the council of such area municipality;
- (d) two members of the council of the area municipality of the Town of Dunnville who have been elected as members of the Regional Council and of the council of such area municipality;
- (e) two members of the council of the area municipality of the Town of Haldimand who have been elected as members of the Regional Council and of the council of such area municipality;
- (f) two members of the council of the area municipality of the Town of Simcoe who have been elected as members of the Regional Council and of the council of such area municipality;
- (g) two members of the council of the area municipality of the Township of Norfolk who have been elected as members of the Regional Council and of the council of such area municipality. 1973, c. 96, s. 8 (1).

8.—(1) At the first meeting of the Regional Council after a regular election at which a quorum is present, the Regional Coun- Election of chairman

cil shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for the term of the council and until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected. 1978, c. 33, s. 117 (1).

Where
chairman
member of
area council

(2) Where a member of the council of an area municipality becomes chairman, he shall be deemed to have resigned as a member of such council, and his seat on such council thereby becomes vacant. 1973, c. 96, s. 9 (3).

Failure
to elect
chairman

(3) If, at the first meeting of the Regional Council after a regular election a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for the term of the council and until his successor is elected or appointed in accordance with this Act. 1978, c. 33, s. 117 (2).

First
meeting
of area
councils

9.—(1) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality after a regular election shall be held not later than the seventh day following the day on which the term of office in respect of which the election was held commences.

First
meeting of
Regional
Council

(2) The first meeting of the Regional Council after a regular election shall be held after the councils of the area municipalities have held their first meetings under subsection (1), but in any event not later than the fourteenth day following the day on which the term of office in respect of which the election was held commences, on such date and at such time and place as may be fixed by by-law of the Regional Council. 1978, c. 33, s. 118.

Certificate of
qualification

(3) A person entitled to be a member of the Regional Council in accordance with section 7, other than the mayor of each area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council that he attends a certificate under the hand of the clerk of the area municipality that he represents, and under the seal of such area municipality certifying that he is entitled to be a member under such section. 1973, c. 96, s. 10 (4).

Oath of
allegiance
and
declaration of
qualification

(4) The chairman, before taking his seat, shall take an oath of allegiance in Form 1 and a declaration of qualification in Form 2.

(5) No business shall be proceeded with at the first meeting of the Regional Council until after the declarations of office in Form 3 of the *Municipal Act* have been made by all members who present themselves for that purpose. Declaration of office
R.S.O. 1980, c. 302

(6) The Regional Council shall be deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in section 10. 1973, c. 96, s. 10 (6-8). When Council deemed organized

10.—(1) Ten members of the Regional Council representing at least four area municipalities are necessary to form a quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure. 1979, c. 58, s. 1. Quorum, voting

(2) Subject to subsection (3), each member of the Regional Council has one vote only. One vote

(3) The chairman does not have a vote except in the event of an equality of votes. 1973, c. 96, s. 11 (2, 3). Chairman vote

11. Subject to section 9, all meetings of the Regional Council shall be held at such times as the Regional Council from time to time appoints. 1973, c. 96, s. 12. Place of meeting

12.—(1) When a vacancy occurs in the office of a chairman who has been appointed by the Lieutenant Governor in Council, some person shall be appointed by the Lieutenant Governor in Council to hold office as chairman for the remainder of the term of his predecessor. Vacancies, chairman

(2) When a vacancy occurs in the office of a chairman who has been elected under subsection 8 (1), the Regional Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman who may be one of the members of the Regional Council or any other person, to hold office for the remainder of the term of his predecessor. Idem

(3) If the Regional Council fails to elect a chairman within twenty days as required by subsection (2), the Lieutenant Governor in Council may appoint a person as chairman to hold office for the remainder of the term of his predecessor. 1973, c. 96, s. 13 (1-3). Idem

(4) When a vacancy occurs in the office of a member, other than the chairman or the head of the council of an area municipality, the council of the area municipality of which he was a member shall by by-law within sixty days Other members

after the vacancy occurs appoint a successor, who may be a member of the council or a person who is eligible to be elected a member of the council, to hold office for the remainder of the term of his predecessor. 1973, c. 96, s. 13 (4); 1976, c. 43, s. 108.

Resignation (5) Where a member has been elected as a member of the Regional Council, resignation from either the Regional Council or the council of the area municipality shall be deemed to be resignation from both councils.

Where head of council incapacitated (6) In the event that the head of a council of an area municipality is for any reason unable to fulfil his duties as a member of the Regional Council for a period exceeding one month, the council of the area municipality may by by-law appoint one of its members as an alternate representative to the Regional Council who shall act in the place and stead of the head of council during his incapacity, but no such by-law shall have effect for a period longer than one month from its effective date. 1973, c. 96, s. 13 (5, 6).

Committees **13.** The Regional Council may from time to time establish such standing or other committees and assign to them such duties as it considers expedient. 1973, c. 96, s. 15 (1).

Procedural by-laws **14.** The Regional Council may pass by-laws for governing the proceedings of the Regional Council and any of its committees, the conduct of its members and the calling of meetings. 1973, c. 96, s. 16.

Head of council **15.—(1)** The chairman is the head of the Regional Council and is the chief executive officer of the Regional Corporation.

Chief administrative officer (2) The Regional Council may by by-law appoint a chief administrative officer, who,

- (a) shall have such general control and management of the administration of the government and affairs of the Regional Corporation and perform such duties as the Regional Council by by-law prescribes;
- (b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;
- (c) shall hold office during the pleasure of the Regional Council; and
- (d) shall receive such salary as the Regional Council by by-law determines.

(3) Subsection 99 (2) of the *Municipal Act* applies to a chief administrative officer appointed under subsection (2) of this section. 1973, c. 96, s. 17. Application of R.S.O. 1980, c. 302

16.—(1) When the chairman is absent or refuses to act, or his office is vacant, the Regional Council may by resolution appoint one of its members to act in his place and stead and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman. Acting chairman

(2) The Regional Council may by by-law appoint a member of the Regional Council to act from time to time in the place and stead of the chairman when the chairman is absent from the Regional Area or absent through illness or his office is vacant and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman. 1974, c. 117, s. 55. Idem

17.—(1) Sections 57, 58, 60, 62, 63, 129, 137 to 141, 238, 239, 240 to 244, 247, 248, 249 and 250 of the *Municipal Act* apply with necessary modifications to the Regional Corporation. 1980, c. 33, s. 29. Application of R.S.O. 1980, c. 302

(2) Sections 55, 64, 65 and 107 of the *Municipal Act* apply with necessary modifications to the Regional Council and to every local board of the Regional Corporation. 1973, c. 96, s. 19 (2). Idem

18.—(1) The Regional Council shall appoint a clerk, whose duty it is, Appointment of clerk

- (a) to record truly without note or comment, all resolutions, decisions and other proceedings of the Regional Council;
- (b) if required by any member present, to record the name and vote of every member voting on any matter or question;
- (c) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the Regional Council and its committees; and
- (d) to perform such other duties as may be assigned to him by the Regional Council.

(2) The Regional Council may appoint a deputy clerk who shall have all the powers and duties of the clerk. Deputy clerk

Acting
clerk

(3) When the office of clerk is vacant or the clerk is unable to carry on his duties through illness or otherwise, the Regional Council may appoint an acting clerk *pro tempore* who shall have all the powers and duties of the clerk. 1973, c. 96, s. 20 (1-3).

Minutes
open to
inspection

19.—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents in the possession or under the control of the clerk, except interdepartmental correspondence and reports of officials of any department or of solicitors for the Regional Corporation made to the Regional Council or any of its committees, and the clerk within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the Regional Corporation to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix.

Index of
by-laws
affecting
land

(2) The clerk shall keep an index book in which he shall enter the number and date of all by-laws passed by the Regional Council that affect land or the use thereof in the Regional Area but do not directly affect the title to land.

Copies
certified
by clerk
to be
receivable
in evidence

(3) A copy of any record, book or document in the possession or under the control of the clerk, purporting to be certified under his hand and the seal of the Regional Corporation, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs. 1973, c. 96, s. 21.

Appoint-
ment of
treasurer

20.—(1) The Regional Council shall appoint a treasurer who shall keep the books, records and accounts, and prepare the annual financial statements of the Regional Corporation and preserve and file all accounts of the Regional Corporation and shall perform such other duties as may be assigned to him by the Regional Council.

Deputy
treasurer

(2) The Regional Council may appoint a deputy treasurer who shall have all the powers and duties of the treasurer.

Acting
treasurer

(3) When the office of the treasurer is vacant or the treasurer is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting treasurer *pro tempore* who shall have all the powers and duties of the treasurer. 1973, c. 96, s. 22.

Receipt and
disbursement
of money

21.—(1) The treasurer shall receive and safely keep all money of the Regional Corporation and shall pay out money

to such persons and in such manner as the law in force in Ontario and the by-laws or resolutions of the Regional Council direct, provided that every cheque issued by the treasurer shall be signed by the treasurer and by some other person or persons designated for the purpose by by-law or resolution of the Regional Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized.

(2) Notwithstanding subsection (1), the Regional Council may by by-law, ^{Signing of cheques}

(a) designate one or more persons to sign cheques in lieu of the treasurer; and

(b) provide that the signature of the treasurer and of any other person authorized to sign cheques may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

(3) The Regional Council may by by-law provide that the treasurer may establish and maintain a petty cash fund ^{Petty cash fund} of an amount of money sufficient to make change and pay small accounts, subject to such terms and conditions as the by-law may provide.

(4) Except where otherwise expressly provided by this Act, a member of the Regional Council shall not receive any money from the treasurer for any work or service performed or to be performed, but nothing in this subsection prevents the payment of any moneys under any contract in respect of which the member has complied with section 2 of the *Municipal Conflict of Interest Act*. ^{When member may be paid} R.S.O. 1980, c. 305

(5) The treasurer is not liable for money paid by him in accordance with a by-law or resolution of the Regional Council, unless another disposition of it is expressly provided for by statute. 1973, c. 96, s. 23. ^{Treasurer's liability limited}

22. Subject to subsection 21 (3), the treasurer shall,

^{Bank accounts}

(a) open an account or accounts in the name of the Regional Corporation in such of the chartered banks of Canada or at such other place of deposit as may be approved by the Regional Council;

(b) deposit all money received by him on account of the Regional Corporation, and no other money, to the credit of such account or accounts, and no other account; and

- (c) keep the money of the Regional Corporation entirely separate from his own money and from that of any other person,

and, notwithstanding subsection 21 (1), the Regional Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the treasurer vary from such provisions. 1973, c. 96, s. 24.

Monthly
statement

23.—(1) The treasurer shall prepare and submit to the Regional Council, monthly, a statement of the money at the credit of the Regional Corporation.

Notice to
sureties

(2) Where the treasurer is removed from office or absconds, the Regional Council shall forthwith give notice to his sureties. 1973, c. 96, s. 25.

Appointment
of auditors

24.—(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause by the Regional Council and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation, except school boards. 1977, c. 34, s. 49.

Cost of
audit

(2) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the Regional Corporation and charged back to the local board, and, in the event of a dispute as to the amount of the cost, the Minister may upon application finally determine the amount thereof. 1973, c. 96, s. 26 (2).

Disqualifica-
tion of
auditors

(3) No person shall be appointed as an auditor of the Regional Corporation who is or during the preceding year was a member of the Regional Council or of the council of an area municipality or of any local board, the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the Regional Corporation or an area municipality or any such local board, or any employment with any of them other than for services within his professional capacity. 1973, c. 96, s. 26 (3); 1976, c. 43, s. 109.

Duties of
auditors

(4) An auditor shall perform such duties as are prescribed by the Ministry and also such duties as may be required by the Regional Council or any local board of the Regional Corporation that do not conflict with the duties prescribed by the Ministry. 1973, c. 96, s. 26 (4).

25.—(1) Notwithstanding the provisions of any other Act, on and after the 1st day of April, 1974, the portion of the Regional Area that formerly comprised the County of Haldimand is a school division and The Haldimand County Board of Education is continued, subject to subsection 54 (6) of the *Education Act*, as the divisional board of education for such school division. Part of
Regional
Area school
division

R.S.O. 1980,
c. 129

(2) Notwithstanding the provisions of any other Act, on and after the 1st day of April, 1974, the portion of the Regional Area that formerly comprised part of the County of Norfolk is a school division and The Norfolk County Board of Education is continued, subject to subsection 54 (6) of the *Education Act*, as the divisional board of education for such school division. Idem

(3) Notwithstanding the provisions of any other Act, on and after the 1st day of April, 1974, The Haldimand-Norfolk County Roman Catholic Separate School Board is continued, subject to subsection 111 (4) of the *Education Act*, as a county combined separate school board for the Regional Area. 1973, c. 96, s. 27. Haldimand-
Norfolk
County
Roman
Catholic
Separate
School Board,
continued

26.—(1) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Haldimand or a local board thereof, or by the County of Norfolk or a local board thereof, the Regional Corporation or a local board thereof shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the 17th day of December, 1973, in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the Regional Corporation or local board thereof and such employee shall have uninterrupted membership or entitlement to membership, as the case may be, in the Ontario Municipal Employees Retirement System. Pensions

(2) Where the Regional Corporation or a local board thereof is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area, the employee shall be deemed to remain an employee of the local municipality or local board thereof for the purposes of his entitlement under any approved pension plan or supplementary plan. Idem

(3) Where the Regional Corporation or a local board thereof is required to employ a person theretofore em- Sick leave
credits

ployed by a local municipality or a local board thereof within the Regional Area or by the County of Haldimand or a local board thereof or by the County of Norfolk or a local board thereof, the employee shall be deemed to remain an employee of the municipality or local board thereof until the Regional Corporation or local board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the Regional Corporation, whereupon the Regional Corporation or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the municipality or local board thereof.

Holidays

(4) Where the Regional Corporation or a local board thereof is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Haldimand or a local board thereof or by the County of Norfolk or a local board thereof the Regional Corporation or local board thereof shall, during the first year of his employment by the Regional Corporation or local board thereof, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the municipality or local board thereof.

Offer of
employment

(5) The Regional Council shall offer to employ every person who, on the 1st day of July, 1973, was employed by the County of Haldimand or by any local board thereof or by the County of Norfolk or by any local board thereof or in any undertaking of, or operated on behalf of, any local municipality or local board that is assumed by the Regional Corporation under this Act and who continues to be so employed until the 31st day of March, 1974.

Application of
R.S.O. 1980,
c. 348

(6) The Regional Corporation shall be deemed to be a municipality for the purposes of the *Ontario Municipal Employees Retirement System Act*.

Offer of
employment

(7) The employees of the local municipalities and the local boards thereof within the Regional Area, which are amalgamated or annexed in whole or in part to form an area municipality, who were employed by such a local municipality or local board on the 1st day of July, 1973, and who continue to be so employed until the 31st day of March, 1974, except employees offered employment by the Regional Council under subsection (5), shall be offered employment by the council of the area municipality with which they are amalgamated or to which they are annexed.

(8) Any sick leave credits standing on the 31st day of March, 1974, to the credit of any person who accepts employment under subsection (7) shall be placed to the credit of such employee in any sick leave credit plan established by the new employer. ^{Sick leave credits}

(9) Any person who accepts employment under subsection (7) shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the local municipality or local board by which he was formerly employed. ^{Holidays}

(10) Where under the provisions of this section any employee, in the opinion of the Minister, experiences any difficulty or hardship with regard to the transfer of any pension rights or sick leave credits, the Minister may by order do anything necessary to remedy or alleviate such difficulty or hardship. ^{Pension rights and sick leave credits}

(11) Nothing in this section prevents any employer from terminating the employment of an employee for cause. 1973, ^{Termination of employment} c. 155, s. 3, *revised*.

PART III

REGIONAL ROAD SYSTEM

27. In this Part,

<sup>Interpre-
tation</sup>

- (a) "approved" means approved by the Minister or of a type approved by the Minister;
- (b) "construction" includes reconstruction;
- (c) "maintenance" includes repair;
- (d) "Minister" means the Minister of Transportation and Communications;
- (e) "Ministry" means the Ministry of Transportation and Communications;
- (f) "road authority" means a body having jurisdiction and control of a highway. 1973, c. 155, s. 4, *part*.

28.—(1) On and after the 1st day of April, 1974, all roads on the 31st day of March, 1974, under the jurisdiction and control of the County of Haldimand and the County of Norfolk, within the Regional Area, shall constitute the regional road system, excluding that portion of the Township of Middleton described in subsection 2 (2) annexed to the Town of Tillsonburg. ^{County roads to constitute regional road system}

Adding or
removing
roads by
by-law

(2) The Regional Council may by by-law from time to time add roads to or remove roads from the regional road system, including such boundary line roads or portions thereof between the Regional Area and an adjoining county or regional municipality as may be agreed upon between the Regional Council and the council of such adjoining municipality.

Transfer of
provincial
highway to
Regional
Corporation

(3) The Lieutenant Governor in Council may transfer any highway under the jurisdiction and control of the Ministry within the Regional Area to the Regional Corporation and the highway shall for all purposes be deemed to be part of the regional road system on such date as is designated by the Lieutenant Governor in Council and to have been transferred under section 29 of the *Public Transportation and Highway Improvements Act*.

R.S.O. 1980,
c. 421

Vesting of
roads in
regional road
system

(4) Where a road or part thereof forms part of the regional road system, jurisdiction and control and the soil and freehold thereof are vested in the Regional Corporation.

Removal of
roads from
regional road
system

(5) The Lieutenant Governor in Council may remove any road from the regional road system.

Roads
removed
from system

(6) Where a road or a part thereof is removed from the regional road system, except by reason of it being stopped-up pursuant to subsection 37 (1), such road or part is thereupon transferred to and the jurisdiction and control and the soil and freehold thereof is thereupon vested in the area municipality in which it is situate, and the area municipality may sue upon any rights or under any agreements or by-laws in the same manner and to the same extent as the Regional Corporation in respect of such road.

Status
of land
acquired for
widening
regional road

(7) Notwithstanding subsection (10), where the Regional Corporation acquires land for the purpose of widening a regional road, the land so acquired, to the extent of the designated widening, forms part of the road and is included in the regional road system.

Idem

(8) When land abutting on a regional road is dedicated for, or apparently for, widening the regional road, the land so dedicated is part of the regional road and the jurisdiction and control and the soil and freehold thereof is vested in the Regional Corporation subject to any rights in the soil reserved by the person who dedicated the land. 1973, c. 55, s. 4, *part*.

Consolidating
by-law

(9) The Regional Council shall, from time to time, pass a by-law consolidating all by-laws relating to the regional road system. 1980, c. 33, s. 30.

(10) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant Governor in Council and the Lieutenant Governor in Council may approve the by-law in whole or in part and, where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it shall not be necessary for the Regional Council to pass any further by-law amending the original by-law or repealing any part thereof that has not been approved, and every such by-law as approved is in force and effect after the day named by the Lieutenant Governor in Council.

Approval
of by-laws

(11) The *Regulations Act* does not apply to an order in council made under this section.

Application of
R.S.O. 1980,
c. 446

(12) The Regional Council shall adopt a plan of road construction and maintenance, and from time to time thereafter shall adopt such other plans as may be necessary. 1973, c. 155, s. 4, *part*.

Plans of
construction
and
maintenance

29. Where the Regional Corporation proposes the construction, improvement or alteration of a regional road, it shall furnish the Minister with such detailed information as he may require. 1973, c. 155, s. 4, *part*.

Furnishing of
information
to Minister

30. Where a contribution has been made from any source whatsoever towards an expenditure made under the provisions of section 89 of the *Public Transportation and Highway Improvement Act*, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs. 1973, c. 155, s. 4, *part*.

Contribution
towards
expenditures
R.S.O. 1980,
c. 421

31. The roads included in the regional road system shall be maintained and kept in repair by the Regional Corporation. 1973, c. 155, s. 4, *part*.

Maintenance
and repair

32. The Regional Corporation has, in respect of the roads included in the regional road system, all the rights, powers, benefits and advantages conferred, and is subject to all liabilities imposed either by statute, by-law, contract or otherwise upon The Corporation of the County of Haldimand or The Corporation of the County of Norfolk or the corporation of the area municipality or the corporations of two or more area municipalities which had jurisdiction over the roads before they became part of the

Power
over roads
assumed

regional road system, and the Regional Corporation may sue upon such rights or under such contracts or by-laws in the same manner and to the same extent as the County of Haldimand or the County of Norfolk or the area municipality or municipalities, as the case may be, might have done if the roads had not become part of the regional road system. 1973, c. 155, s. 4, *part*.

Sidewalks
excepted

33.—(1) The Regional Corporation is not by reason of a road forming part of the regional road system under this Act liable for the construction or maintenance of sidewalks on any road or portion thereof in the regional road system, but the area municipality in which such sidewalks are located continues to be liable for the maintenance of such sidewalks and is responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 284 of the *Municipal Act* in respect of a sidewalk on a road over which a council has jurisdiction.

R.S.O. 1980,
c. 302

Area
municipalities may
construct
sidewalks,
etc.

(2) An area municipality may construct a sidewalk or other improvement or service on a regional road, and the Regional Corporation may contribute to the cost of such sidewalk, improvement or service, but no such work shall be undertaken by an area municipality without first obtaining the approval of the Regional Council expressed by resolution.

How cost
provided

(3) The cost of any such sidewalk, improvement or service constructed on a regional road may be met out of the general funds of the area municipality or the work may be undertaken in whole or in part as a local improvement under the *Local Improvement Act*.

R.S.O. 1980,
c. 250

Area municipi-
ality to
conform to
requirements
and be
responsible
for damages

(4) An area municipality when constructing such a sidewalk, improvement or service on a regional road shall conform to any requirements or conditions imposed by the Regional Council and is responsible for any injury or damage arising from the construction or presence of the sidewalk, improvement or service on the road.

R.S.O. 1980,
c. 421,
s. 106 (4),
not to apply

(5) Subsection 106 (4) of the *Public Transportation and Highway Improvement Act* does not apply to a sidewalk constructed on a regional road by the council of a township. 1973, c. 155, s. 4, *part*.

34.—(1) The Regional Corporation may construct, in-^{Installation of traffic control devices} stall, maintain or remove any works on a highway, other than a road under the jurisdiction and control of the Ministry, including traffic control devices, for the purpose of altering or regulating the flow of traffic upon entering or leaving a road in the regional road system.

(2) The Regional Corporation may relocate, alter or^{Relocation of intersecting roads} divert any public road, other than a road under the jurisdiction and control of the Ministry, entering or touching upon or giving access to a road in the regional road system.

(3) Where, in relocating, altering or diverting a public^{Idem} road under subsection (2), the Regional Corporation constructs a new road in lieu of the public road, the Regional Corporation may close the public road at the point of intersection with the regional road and may, by by-law vest the new road and the soil and freehold and jurisdiction and control thereof in the area municipality in which it is situate.

(4) Where the Regional Corporation constructs a sidewalk,^{Construction of sidewalk, etc., on area municipality road} improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality may contribute to the cost of such sidewalk, improvement or service and the work may be undertaken in whole or in part under the *Local Improvement Act*. 1973, c. 155, s. 4,^{R.S.O. 1980, c. 250} *part*.

35. Where a regional road intersects a road that is^{Intersection of other roads by regional road} under the jurisdiction and control of an area municipality, the continuation of the regional road to its full width across the road so intersected is a part of the regional road system. 1973, c. 155, s. 4, *part*.

36. The Regional Council may pass by-laws for estab-^{New roads} lishing and laying out new roads and for amending the by-law passed under section 28 by adding such new roads to the regional road system, and the provisions of the *Municipal Act* with respect to the establishment and^{R.S.O. 1980, c. 302} laying out of highways by municipalities apply with necessary modifications. 1973, c. 155, s. 4, *part*.

37.—(1) With respect to the roads in the regional road^{Powers and liabilities of Regional Corporation} system and the regulation of traffic thereon, the Regional Corporation has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation of a city by the *Municipal Act*, the *Highway Traffic Act* and any other Act with respect to highways.^{R.S.O. 1980, c. 198}

Establish-
ment of
bus lanes

(2) The Regional Council or the council of any area municipality may by by-law designate any lane on any road over which it has jurisdiction as a lane solely or principally for use by public transit motor vehicles and prohibit or regulate the use thereof by vehicles other than public transit vehicles to such extent and for such period or periods as may be specified, and for the purpose of this subsection "public transit motor vehicle" means a motor vehicle owned and operated by, for or on behalf of the Regional Corporation or any area municipality as part of its passenger transportation service. 1973, c. 155, s. 4, *part*.

Erection of
gasoline
pump and
advertising
device near
regional road

38.—(1) The Regional Council may by by-law prohibit or regulate the placing or erecting of,

(a) any gasoline pump within forty-five metres of any limit of a regional road;

(b) any sign, notice or advertising device within 400 metres of any limit of a regional road. 1973, c. 155, s. 4, *part*; 1978, c. 87, s. 48 (1).

Permits

(2) A by-law passed under this section may provide for the issuing of permits for the placing or erecting of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor. 1973, c. 155, s. 4, *part*.

By-laws of
area munic-
ipalities
regulating
traffic

39.—(1) No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force until it has been approved by the Regional Council. 1973, c. 155, s. 4, *part*; 1976, c. 43, s. 110 (1).

Regional
Council
may approve
by-law in
whole or
in part

(2) A by-law submitted for approval of the Regional Council in compliance with subsection (1) may be approved in whole or in part, and where part of the by-law is approved only, that part only shall become operative.

Withdrawal
of approval

(3) The Regional Council may withdraw its approval to any by-law or any part thereof by notice sent by registered mail to the clerk of the area municipality, and such by-law or part thereof shall be deemed to be repealed twenty-one days after the sending of the notice. 1976, c. 43, s. 110 (2).

Signal-light
devices

(4) All signal-light traffic control devices heretofore or hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the Regional Council, and the Regional Council may delegate

any of its powers in respect of the operation of such devices to an officer of the Regional Corporation designated in the by-law.

(5) The Regional Corporation may contribute toward the cost of the erection of signal-light traffic control devices erected by an area municipality. 1973, c. 155, s. 4, *part*.

Contribution toward costs of signal-lights

(6) Subject to the *Highway Traffic Act*, the Regional Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of thirty metres on either side of the limit of a regional road, and, where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict. 1973, c. 155, s. 4, *part*; 1978, c. 87, s. 48 (2).

Traffic control within thirty metres of regional roads
R.S.O. 1980, c. 198

40. The Regional Council may by by-law authorize agreements between the Regional Corporation and the owners or lessees of land abutting on a highway for the construction, maintenance and use of walks for pedestrians over, across or under the highway upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof, and for leasing or licensing the use of untravelled portions of such walks and adjoining lands to persons for such considerations and upon such terms and conditions as may be agreed. 1973, c. 155, s. 4, *part*.

Agreements for pedestrian walks

41.—(1) Sections 292 and 294 of the *Municipal Act* do not apply to a bridge or highway crossing or forming a boundary between the Regional Area and an adjoining municipality where such bridge or highway is included in the regional road system and in the road system of the municipality.

Disputes as to maintenance, etc., of bridges and highways
R.S.O. 1980, c. 302

(2) Where there is a difference between the Regional Council and the council of a municipality in respect of any such bridge or highway as to the corporation upon which the obligation rests for the constructing or maintaining of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the Regional Council and the council of the municipality are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the Regional Corporation or the corporation of the municipality.

Idem

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing

Hearing by O.M.B.

shall be given to the clerk of each municipality and of the Regional Corporation, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities in regard to such bridge or highway, and the Municipal Board may make such order with respect to the same as it may consider just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute toward the building and maintaining of such bridge or highway.

Term of
order

(4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive. 1973, c. 155, s. 4, *part*.

Boundary
bridges
between area
municipi-
palities
R.S.O. 1980,
c. 302

42. Clause 261 (1) (b) of the *Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities, and the councils of the area municipalities on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system. 1973, c. 155, s. 4, *part*.

Boundary
bridges
between
Regional
Area and
adjoining
municipality

43. Section 276 of the *Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the Regional Area and an adjoining municipality, and the councils of the area municipality and the adjoining local municipality on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system. 1973, c. 155, s. 4, *part*.

Restrictions

44.—(1) The Regional Council has, with respect to all land lying within a distance of forty-five metres from any limit of a regional road, all the powers conferred on the council of a local municipality by section 39 of the *Planning Act*. 1973, c. 155, s. 4, *part*; 1978, c. 87, s. 48 (3).

R.S.O. 1980,
c. 379

Conflict
with local
by-laws

(2) In the event of conflict between a by-law passed under subsection (1) by the Regional Council and a by-law passed under section 39 of the *Planning Act* or a predecessor of such section by the council of a local municipality that is in force in the area municipality in which the land is situate, the by-law passed by the Regional Council prevails to the extent of such conflict. 1973, c. 155, s. 4, *part*.

Controlled-
access roads

45.—(1) The Regional Council may by by-law designate any road in the regional road system, or any portion thereof, as a controlled-access road.

(2) Subject to the approval of the Municipal Board, ^{Closing municipal roads} the Regional Council may by by-law close any municipal road that intersects or runs into a regional controlled-access road.

(3) The Municipal Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such time, in such manner and to such persons as the Municipal Board may determine, and may further direct that particulars of objections to the closing shall be filed with the Municipal Board and the Regional Corporation within such time as the Municipal Board shall direct. ^{Notice of application for approval for closing road}

(4) Upon the hearing of the application for approval ^{Order of O.M.B.} of the closing of a road, the Municipal Board may make such order as it considers proper refusing its approval or granting its approval upon such terms and conditions as it considers proper, and any order of the Municipal Board approving of the closing of a road may contain provisions,

- (a) determining the portion or portions of the road that shall be closed;
- (b) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and
- (c) providing for the doing of such other acts as in the circumstances it considers proper.

(5) Upon the approval of the Municipal Board being ^{Closing road} so obtained but subject to the provisions of the order of the Municipal Board made on the application for such approval, the Regional Corporation may do all such acts as may be necessary to close the road in respect of which the application is made.

(6) The Regional Corporation, or any person including ^{Appeal} an area municipality, that has filed particulars of an objection may, with the leave of the Divisional Court, appeal to that court from any order made under subsection (4).

(7) Application for leave to appeal shall be made within ^{Time for appeal} thirty days after the date of the determination or order of the Municipal Board subject to the rules of the court as to vacations.

(8) The leave may be granted on such terms as to the ^{Leave to appeal} giving of security for costs and otherwise as the court may consider just.

Practice
and
procedure
on appeal

(9) The practice and procedure as to the appeal and matters incidental thereto shall be in accordance with the rules of court, and the decision of the Divisional Court is final.

R.S.O. 1980,
c. 347, s. 95,
not to apply

(10) Section 95 of the *Ontario Municipal Board Act* does not apply to an appeal under this section. 1973, c. 155, s. 4, *part*.

Private
roads, etc.,
opening upon
regional
controlled-
access road

46. The Regional Council may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a regional controlled-access road. 1973, c. 155, s. 4, *part*.

Notice

47.—(1) The Regional Corporation may give notice to the owner of any land requiring him to close up any private road, entranceway, structure or facility constructed or used as a means of access to a regional controlled-access road in contravention of a by-law passed under section 46.

Service
of notice

(2) Every notice given under subsection (1) shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail shall be deemed to have been received on the fifth day following the mailing thereof.

Failure
to comply
with notice

(3) Where the person to whom notice is given under subsection (1) fails to comply with the notice within thirty days after its receipt, the Regional Council may by resolution direct any officer, employee or agent of the Regional Corporation to enter upon the land of such person and do or cause to be done whatever may be necessary to close up the private road, entranceway, structure or facility as required by the notice.

Offence

(4) Every person who fails to comply with a notice given under subsection (1) is guilty of an offence and on conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence.

Compensa-
tion

(5) Where a notice given under subsection (1) has been complied with, no compensation is payable to the owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a controlled-access road designated under subsection 45 (1) was constructed or used, as the case may be,

- (a) before the day on which the by-law designating the road as a controlled-access road became effective; or
- (b) in compliance with a by-law passed under section 46, in which case the making of compensation is subject to any provisions of such by-law. 1973, c. 155, s. 4, *part*.

48.—(1) Subject to subsection (2), no area municipality shall have any right to compensation or damages for any road forming part of the regional road system. Regional liability where road forms part of system

(2) Where a road forms part of the regional road system, the Regional Corporation shall thereafter pay to the area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under the *Local Improvement Act* is payable as the owners' share of a local improvement work. Idem
R.S.O. 1980, c. 250
1973, c. 155, s. 4, *part*.

(3) If the Regional Corporation fails to make any payment required by subsection (2), on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 128. Default

(4) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the road forming part of the regional road system, the Municipal Board, upon application, may determine the matter and its decision is final. 1973, c. 155, s. 4, *part*. Settling of doubts

49.—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall so notify the Regional Corporation by registered mail. Stopping-up highways

(2) If the Regional Council objects to such stopping-up, it shall notify the council of the area municipality by registered mail within sixty days of the receipt of the notice required under subsection (1) and the highway or part thereof shall not be stopped-up except by agreement between the area municipality and the Regional Council and failing such agreement the Municipal Board, upon application, may determine the matter and its decision is final. Agreement

Approval
required to
intersect
regional road

(3) No area municipality shall open up, establish or assume for public use any highway which intersects with or enters upon any highway in the regional road system, without the prior written approval of the Regional Corporation. 1973, c. 155, s. 4, *part*.

Application of
R.S.O. 1980,
c. 421

50. Sections 101, 103, 105, 108 and 111 of the *Public Transportation and Highway Improvement Act* apply with necessary modifications with respect to any road in the regional road system. 1973, c. 155, s. 4, *part*.

PART IV

PLANNING

Planning area
R.S.O. 1980,
c. 379

51.—(1) The Regional Area is continued as a municipality and a planning area under the *Planning Act* known as the Haldimand-Norfolk Planning Area and the Regional Council shall be the planning board thereof, and the *Planning Act*, except subsection 12 (2), applies with necessary modifications to the Regional Corporation. 1979, c. 81, s. 129 (1).

Separate
meeting as
planning
board not
required

(2) Where the Regional Council meets in respect of matters pertaining to planning for the purposes of the *Planning Act*, no separate meeting of the council as a planning board is required. 1978, c. 33, s. 122.

Planning
areas
dissolved

(3) All planning areas and subsidiary planning areas that are included in the Haldimand-Norfolk Planning Area, together with the boards thereof, are dissolved on the 31st day of March, 1974, and no area municipality except as provided in this Part, shall exercise any powers under the *Planning Act*.

Official
plans

(4) All official plans in effect in any part of the Regional Area, on and after the 1st day of April, 1974, remain in effect as official plans of the Haldimand-Norfolk Planning Area until a new official plan has been adopted by the Regional Council and approved by the Minister of Housing.

Effect of
official plan

(5) When the Minister of Housing has approved an official plan adopted by the Regional Council, every by-law passed under section 39 of the *Planning Act*, or a predecessor thereof, then in effect in the planning area affected thereby shall be amended forthwith to conform therewith.

By-laws
continued

(6) Every by-law passed under the provisions of the *Planning Act* by a local municipality as it exists on the

31st day of March, 1974, shall continue in force until amended or repealed by the Regional Council. 1973, c. 155, s. 4, *part*.

(7) When the Regional Corporation has incurred a cost under subsection 10 (4) of the *Building Code Act*, the cost may be charged to the area municipality in which the building is situate and the clerk of the area municipality shall add the cost to the collector's roll, collect the cost in like manner as municipal taxes and, when the cost has been collected, pay it to the Regional Corporation. 1979, c. 81, s. 129 (2). Collection of costs under R.S.O. 1980, c. 51

(8) All the assets and liabilities pertaining to the planning functions transferred to the Regional Corporation under this section become the assets and liabilities of the Regional Corporation on the 1st day of April, 1974, and in the event there is any dispute with respect to such transfers the matter shall be submitted to the Municipal Board whose determination shall be final. 1973, c. 155, s. 4, *part*. Assets and liabilities

52.—(1) The Regional Council, before the 31st day of December, 1976, shall prepare, adopt and forward to the Minister of Housing for approval an official plan for the Regional Area. Planning duties of Regional Council

(2) The Regional Council may appoint such planning committees and staff as it considers necessary. Staff and committees

(3) The Regional Corporation may enter into agreements with area municipalities or persons relating to approval of plans of subdivision. Agreements re: subdivisions

(4) The Regional Corporation, with the approval of the Minister of Housing, may enter into agreements with any governmental authority or any agency thereof created by statute for the carrying out of studies relating to the Haldimand-Norfolk Planning Area or any part thereof. 1973, c. 155, s. 4, *part*. special studies

53.—(1) When the Minister of Housing has approved an official plan adopted by the Regional Council, the Regional Council may designate any area municipality or portion thereof within the Haldimand-Norfolk Planning Area as a district planning area for such period and on such terms and conditions as the Regional Council considers necessary. District planning areas

(2) Upon designation of an area municipality or portion thereof as a district planning area, the Regional Council may authorize the council of the area municipality so designated to exercise such of the powers under sections 39 Idem

R.S.O. 1980,
c. 379

and 46 of the *Planning Act*, on such terms and conditions as the Regional Council may determine. 1973, c. 155, s. 4, *part*.

Planning
duties of
area councils

54.—(1) Every council of an area municipality designated as a district planning area under subsection 53 (1) shall at the request of the Regional Council investigate and survey the physical, social and economic conditions in relation to the development of the district planning area and may perform such other duties of a planning nature as may be referred to it by the Regional Council and, without limiting the generality of the foregoing, it shall,

- (a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the affected area municipality;
- (b) hold public meetings and publish information for the purpose of obtaining the participation and co-operation of the inhabitants of the affected area municipality;
- (c) consult with any local board having jurisdiction within the affected area municipality; and
- (d) prepare a plan for the district planning area and forward it to the Regional Council.

Powers of
Regional
Council re
district plan

(2) The Regional Council shall, with respect to plans submitted to it under subsection (1),

- (a) adopt the plan as submitted, with or without amendment by the Regional Council, as an amendment to the official plan of the Haldimand-Norfolk Planning Area and forward it to the Minister of Housing for approval; or
- (b) reject the plan. 1973, c. 155, s. 4, *part*.

Dissolutions

55.—(1) All committees of adjustment or land division committees existing in the Regional Area on the 31st day of March, 1974, are dissolved on such date and the Regional Council shall appoint a land division committee on or before the 1st day of April, 1974, without notice from the Minister of Housing, to grant consents referred to in section 29 of the *Planning Act* and a committee of adjustment under section 48 of the said Act.

Delegation
of Regional
Council's
powers

(2) Notwithstanding subsection (1), the Regional Council at any time may delegate, on such terms and conditions

as it considers necessary, to the council of an area municipality the right to appoint a committee of adjustment to exercise the powers under section 49 of the *Planning Act*, except the power to grant consents mentioned in subsection 49 (3) of that Act.

(3) Notwithstanding the provisions of the *Planning Act* relating to the qualification of members of a land division committee or a committee of adjustment, such committees may have a minority of council members. 1973, c. 155, s. 4, *part.*

Composition of committee
R.S.O. 1980,
c. 379

PART V

HEALTH AND WELFARE

56.—(1) The Regional Corporation shall be deemed to be a city for all the purposes of the provisions of the *Public Hospitals Act* and the *Private Hospitals Act* respecting hospitalization and burial of indigent persons and their dependants, and no area municipality has any liability under such provisions.

Liability for hospitalization of indigents
R.S.O. 1980,
cc. 410, 389

(2) The Regional Corporation is liable for the hospitalization and burial, after the 31st day of March, 1974, of an indigent person or his dependant who was in hospital on the 31st day of March, 1974, and in respect of whom any local municipality within the Regional Area was liable because the indigent person was a resident of such local municipality or the County of Haldimand or the County of Norfolk, excepting that portion of the Township of Middleton annexed to the Town of Tillsonburg under subsection 2 (2).

Existing liabilities transferred

(3) Nothing in subsection (2) relieves any such local municipality from any liability in respect of hospitalization or burials before the 1st day of April, 1974. 1973, c. 155, s. 4, *part.*

Proviso

57.—(1) The Regional Council may pass by-laws for granting aid for the construction, erection, establishment, acquisition, maintenance, equipping and carrying on the business of public hospitals including municipal hospitals and other health care facilities in the Regional Area and may issue debentures therefor and no area municipality shall exercise any such powers in respect of public hospitals including municipal hospitals. 1973, c. 155, s. 4, *part.*

Aid to hospitals

(2) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest

Responsibility of Regional Corporation

becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection (1), prior to the 1st day of April, 1974, and if the Regional Corporation fails to pay such amounts before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 130.

Hospital
costs form
part of
regional levy

(3) Notwithstanding the provisions of any general or special Act, payments made under this section shall form part of the levy under section 79. 1973, c. 155, s. 4, *part*.

Regional
Area to be
health unit
R.S.O. 1980,
c. 409

58.—(1) On and after the 1st day of April, 1974, the Regional Area shall be a health unit established under the *Public Health Act* and, subject to this Part, the provisions of such Act apply, and the board of health of the health unit so established shall be known as the Haldimand-Norfolk Regional Board of Health.

Dissolution
of health
unit

(2) The health unit serving the counties of Haldimand and Norfolk on the 31st day of March, 1974, is dissolved on the 1st day of April, 1974, and all the assets and liabilities thereof shall become the assets and liabilities of the Haldimand-Norfolk Regional Board of Health.

Boundaries
fixed

(3) Notwithstanding the provisions of any other Act, the boundaries of the health unit of the Regional Area shall not be altered except by order of the Minister of Health. 1973, c. 155, s. 4, *part*.

Constitution
of health
board

59.—(1) On and after the 1st day of April, 1974, the Haldimand-Norfolk Regional Board of Health shall be composed of,

- (a) seven members of the Regional Council appointed by the Regional Council; and
- (b) not more than three persons appointed by the Lieutenant Governor in Council upon the recommendation of the Minister of Health. 1973, c. 155, s. 4, *part*.

Expenses
of board

(2) Notwithstanding the provisions of any other Act, the expenses incurred by the Haldimand-Norfolk Regional Board of Health in establishing and maintaining the health unit and performing its functions under the *Public Health Act* or any other Act shall be accounted for, borne and paid by the Regional Corporation. 1973, c. 155, s. 4, *part*.

60.—(1) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a city and no area municipality shall be deemed to be a municipality:

Regional Corporation deemed city under R.S.O. 1980, cc. 21, 263, 463, 527

- 1. *Anatomy Act.*
- 2. *Mental Hospitals Act.*
- 3. *Sanatoria for Consumptives Act.*
- 4. *War Veterans Burial Act.*

(2) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a county and no area municipality shall be deemed to be a municipality:

Regional Council deemed county under R.S.O. 1980, cc. 111, 188, 200

- 1. *Day Nurseries Act.*
- 2. *General Welfare Assistance Act.*
- 3. *Homemakers and Nurses Services Act.*

(3) All the assets and liabilities pertaining to the functions transferred to the Regional Corporation under subsection (2) become the assets and liabilities of the Regional Corporation on the 1st day of April, 1974 and in the event there is any dispute with respect to such transfers the matter shall be submitted to the Municipal Board whose determination shall be final and binding. 1973, c. 155, s. 4, *part.*

Assets and liabilities

61.—(1) The Regional Corporation shall be deemed to be a county for the purposes of the *Homes for the Aged and Rest Homes Act*, and no area municipality has any authority as to the establishment, erection and maintenance of a home for the aged under such Act.

Liability for homes for aged R.S.O. 1980, c. 203

(2) The Grandview Lodge Home for the Aged and Nor-view Home for the Aged and all assets and liabilities thereof together with all the real and personal property of such homes, vest in the Regional Corporation on the 1st day of April, 1974, without compensation. 1973, c. 155, s. 4, *part.*

County homes for aged vested in Regional Corporation

62.—(1) The Regional Corporation shall pay to the committee or board of management of any home for the aged located outside the Regional Area the cost of maintenance in such home, incurred after the 31st day of March, 1974, of every resident of such home who was admitted thereto due to residence in any area that becomes part of an area municipality.

Residents of other homes for aged

Amount of
maintenance
payment

(2) The amount payable by the Regional Corporation under subsection (1) shall be such as may be agreed upon or, failing agreement, as may be determined by the Municipal Board. 1973, c. 155, s. 4, *part*.

Area
municipality
not
municipality
under
R.S.O. 1980,
c. 66

63. No area municipality shall be deemed to be a municipality for the purposes of the *Child Welfare Act*. 1973, c. 155, s. 4, *part*.

Liability
under order
made under
R.S.C. 1970,
c. J-3

64. Where an order is made under subsection 20 (2) of the *Juvenile Delinquents Act* (Canada) upon an area municipality, such order shall be considered to be an order upon the Regional Corporation, and the sums of money required to be paid under such order shall be paid by the Regional Corporation and not by the area municipality. 1973, c. 155, s. 4, *part*.

Information

65. Every area municipality and every officer or employee thereof shall, at the request of the officers of the Regional Corporation who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Act. 1973, c. 155, s. 4, *part*.

Adjustments

66. In the event that there is any doubt as to whether the Regional Corporation is liable under this Part in respect of the liabilities imposed herein, the matter may be settled by agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board. 1973, c. 155, s. 4, *part*.

Grants, etc.,
to approved
corporations
under
R.S.O. 1980,
c. 201

67. The Regional Corporation may grant aid to approved corporations established under the *Homes for Retarded Persons Act*, and may enter into agreements with any of such corporations with respect to the construction, operation and maintenance of homes for retarded persons. 1973, c. 155, s. 4, *part*.

PART VI

POLICE

Interpre-
tation

68. In this Part, "Haldimand-Norfolk Police Board" means the Haldimand-Norfolk Regional Board of Commissioners of Police. 1973, c. 155, s. 4, *part*.

69.—(1) The board of commissioners of police known as the Haldimand-Norfolk Regional Board of Commissioners of Police is continued and shall consist of,

Haldimand-Norfolk Regional Board continued

- (a) two members of the Regional Council appointed by resolution of the Regional Council;
- (b) a judge of a county or district court designated by the Lieutenant Governor in Council; and
- (c) two persons appointed by the Lieutenant Governor in Council.

(2) Three members of the Haldimand-Norfolk Police Board, including a member appointed by the Regional Council, are necessary to form a quorum. 1973, c. 155, s. 4, *part*.

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under the *Police Act*, to the members of the Haldimand-Norfolk Police Board appointed by the Lieutenant Governor in Council. 1978, c. 33, s. 124.

Remuneration

70.—(1) On and after the 1st day of April, 1974,

Regional Corporation deemed city under R.S.O. 1980, c. 381

- (a) the Regional Corporation shall be deemed to be a city having a population of more than 15,000 according to the last municipal census for the purposes of the *Police Act*, except subsections 8 (1) to (4) thereof;
- (b) the *Police Act*, except section 70, does not apply to any area municipality; and
- (c) subject to subsection (2), the Haldimand-Norfolk Police Board and the members of the Haldimand-Norfolk Regional Police Force shall be charged with the same duties with respect to by-laws of the area municipalities as with respect to by-laws of the Regional Corporation. 1973, c. 155, s. 4, *part*; 1978, c. 33, s. 125.

(2) Notwithstanding section 17 of the *Police Act*, the Haldimand-Norfolk Police Board is responsible for policing only those portions of the Regional Area in which a local municipality maintained a police force on the 31st day of March, 1974.

Jurisdiction

Idem

(3) The Haldimand-Norfolk Police Board may with the approval of the Solicitor General assume responsibility for policing and the maintenance of law and order in any additional portions of the Regional Area.

Fines

(4) The fines imposed for the contravention of the by-laws of any area municipality, shall, where prosecuted by the Haldimand-Norfolk Regional Police Force, belong to the Regional Corporation and, where prosecuted by any other person, belong to the area municipality whose by-law has been contravened. 1973, c. 155, s. 4, *part*.

Area police
force

71.—(1) Every person who was a member of a police force of a municipality within the Regional Area on the 1st day of July, 1973, and continues to be a member until the 31st day of March, 1974, shall, on the 1st day of April, 1974, become a member of the Haldimand-Norfolk Regional Police Force, and the provisions of subsections 26 (4) and (10) apply to such members, but no member shall receive in the year 1974 and until the 31st day of March, 1975, any benefits of employment, with the exception of rank, less favourable than those he was receiving from the municipality.

Haldimand-
Norfolk
Regional
Police
Force

(2) Every person who is a member of a police force of a municipality within the Regional Area on the 31st day of March, 1974, and becomes a member of the Haldimand-Norfolk Regional Police Force on the 1st day of April, 1974, is subject to the government of the Haldimand-Norfolk Police Board to the same extent as if appointed by the Haldimand-Norfolk Police Board and the Haldimand-Norfolk Regional Police Association shall be entitled to make representations to such Board in respect of by-laws and regulations for the government of the Haldimand-Norfolk Police Force. 1973, c. 155, s. 4, *part*.

Terms of
employment

(3) Every person who becomes a member of the Haldimand-Norfolk Regional Police Force under subsection (1) shall,

- (a) be considered to have elected to participate in the Ontario Municipal Employees Retirement System if he was a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment by the Haldimand-Norfolk Police Board and such member shall have uninterrupted membership in the Ontario Municipal Employees Retirement System and to participate in the Ontario Municipal Employees Retirement System Supplementary Plan as established for the Town of Dunnville Police Force on and

after the 1st day of April, 1974, in respect of service after such date;

- (b) with the exception of civilian employees and assistants, be retired on the last day of the month in which the member attains sixty years of age, except that those members of the police force of a municipality whose retirement age was sixty-five years of age immediately before they became members of the Haldimand-Norfolk Regional Police Force shall continue until the 1st day of April, 1979, to have a retirement age of sixty-five years of age;
- (c) have credited to him in the Haldimand-Norfolk Regional Police Force the total number of years of service that he had in the police force of the municipality of which he was a member immediately prior to the 1st day of April, 1974;
- (d) receive such sick leave credits and benefits in the sick leave credit plan which shall be established by the Haldimand-Norfolk Police Board as he had standing to his credit in the plan of the municipality; and
- (e) not be transferred without his consent to a detachment farther than a distance of 24.14 kilometres from the detachment headquarters of the police force of which he was a member on the 31st day of March, 1974. 1973, c. 155, s. 4, *part*; 1978, c. 87, s. 48 (4).

(4) Notwithstanding clause (3) (a), those members of the Haldimand-Norfolk Regional Police Force who participated in a supplementary pension plan on or before the 31st day of March, 1974, shall continue to participate in such plan, and in respect of those members who did not participate in a supplementary pension plan the bargaining committee established under subsection (6), and its successor, shall be entitled to negotiate with the Haldimand-Norfolk Police Board in respect of the payment by the Board of contributions into the supplementary pension plan relating to past service of such members.

(5) Civilian employees and assistants of the Haldimand-Norfolk Regional Police Force shall be retired on the last day of the month in which such civilian employee or assistant attains sixty-five years of age.

(6) On or before the 15th day of January, 1974, the members of the municipal police forces within the Regional

Area shall appoint a joint bargaining committee to represent all such municipal police forces to bargain with the Haldimand-Norfolk Police Board in the manner and for the purposes provided in the *Police Act* and the Haldimand-Norfolk Police Board shall be the sole negotiating body to bargain with such committee.

R.S.O. 1980,
c. 381

Application of
R.S.O. 1980,
c. 302

(7) Section 100 of the *Municipal Act* applies with necessary modifications to the Haldimand-Norfolk Police Board. 1973, c. 155, s. 4, *part, revised*.

Assumption
of buildings

72.—(1) The Regional Council shall, before the 1st day of April, 1974, pass by-laws which shall be effective on such date assuming for the use of the Haldimand-Norfolk Police Board any such land or building that the Haldimand-Norfolk Police Board may require that is vested on the 1st day of October, 1973, in any municipality or local board thereof, and at least 40 per cent of which is used on such date for the purposes of the police force of that municipality, and on the day any such by-law becomes effective the property designated therein vests in the Regional Corporation.

Extension
of time

(2) Notwithstanding subsection (1), a by-law for assuming any land or building mentioned in subsection (1), with the approval of the Municipal Board, may be passed after the 1st day of April, 1974, and in that case the by-law shall become effective on the date provided therein.

Building
not used
exclusively
for police
force

(3) Where any part of a building mentioned in subsection (1) is used by the municipality or a local board thereof for other than police purposes, the Regional Corporation may,

(a) where practicable, assume only the part of the building and land appurtenant thereto used for the purposes of the police force of such municipality; or

(b) vest the building and land appurtenant thereto in the Regional Corporation and enter into an agreement with such municipality or local board thereof for the use of a part of the building by such municipality or local board on such terms and conditions as may be agreed upon.

Regional
Corporation
liability

(4) Where the Regional Corporation assumes any property under subsection (1) or (2),

- (a) no compensation or damage shall be payable to the municipality or local board except as provided in this subsection;
- (b) the Regional Corporation shall thereafter pay to the area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any property vested in the Regional Corporation; and
- (c) the Regional Corporation shall thereafter pay to the area municipality for the portion of any land or building vested in the Regional Corporation under this section that is not used for police purposes on the 1st day of October, 1973, such amount as may be agreed upon and failing agreement the Municipal Board, upon application, may determine the amount, and its decision is final, provided such amount shall not be greater than the capital expenditure for such portion of such land or building less the amount of any outstanding debt in respect of such portion. 1973, c. 155, s. 4, *part*.

(5) If the Regional Corporation fails to make any payment on or before the due date as required by clause (4) (b), the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 131 (1).

(6) Where a building vested in a municipality or local board is used partly by the police force of the municipality and is not vested in the Regional Corporation under this section, the area municipality at the request of the Haldimand-Norfolk Police Board on or after the 1st day of April, 1974, shall provide at such rentals as may be agreed upon, at least as much accommodation as such building for the use of the Haldimand-Norfolk Police Board as was being provided by the local municipality for its police force on the 1st day of October, 1973, and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

(7) At the request of the Haldimand-Norfolk Police Board, each area municipality, for the use of the Haldimand-Norfolk Police Board,

- (a) shall transfer to the Regional Corporation without compensation all personal property, including office supplies and stationery in the possession of the area municipality on the 1st day of April, 1974, that was provided for the exclusive use of the police force of the area municipality; and
- (b) shall make available to the Regional Corporation all personal property the use of which was shared by the police force and any department or departments of the area municipality on the 1st day of April, 1974, on the same terms and to the same extent as the police force used the property before such date. 1973, c. 155, s. 4, *part.*

Transfer of
signal systems

(8) All signal and communication systems owned by any municipality and used for the purposes of the police force of the municipality on the 1st day of October, 1973, or thereafter are vested in the Regional Corporation for the use of the Haldimand-Norfolk Police Force on the 1st day of April, 1974, and no compensation shall be payable to the municipality therefor and the Regional Corporation shall thereafter pay to the area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system, and if the Regional Corporation fails to make any payment on or before such due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 131 (2).

Settling
of doubts

(9) In the event of any doubt as to whether,

- (a) any outstanding debt or portion thereof was incurred in respect of any property assumed; or
- (b) any land or building is used at least 40 per cent for the purposes of a police force,

the Municipal Board, upon application, may determine the matter and its decision is final. 1973, c. 155, s. 4, *part.*

Property
to be
provided

73. The Regional Corporation shall provide all real and personal property necessary for the purposes of the Haldimand-Norfolk Police Board. 1973, c. 155, s. 4, *part.*

PART VII

REGIONAL WATERWORKS SYSTEM

Supply and
distribution
of water
by Regional
Corporation

74.—(1) On and after the 1st day of January, 1975, the Regional Corporation has the sole responsibility for

the supply and distribution of water in the Regional Area, including the establishment, construction, maintenance, operation, improvement and the extension of waterworks systems and the financing thereof and all the provisions of any general Act relating to such supply and distribution of water and the financing thereof by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to such supply and distribution of water and the financing thereof by an area municipality or a local board thereof, apply with necessary modifications to the Regional Corporation, except the power to establish a public utilities commission.

(2) The Regional Corporation may finance the whole or any part of the cost and debt charges of such supply and distribution of water by establishing one or more urban service areas with the approval of the Municipal Board and raising the moneys required by imposing a rate or rates in such area or areas or may raise the moneys required by any other method or methods authorized by law or by any combination thereof.

(3) If the Regional Corporation proceeds under the *Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the Regional Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the Regional Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the Regional Corporation.

(4) Where the Regional Corporation does not proceed under the *Local Improvement Act* or under section 218 of the *Municipal Act*, the Regional Corporation may require any area municipality to collect the sums required for financing such supply and distribution of water either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality and such special rate does not require the approval of the Municipal Board.

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to such supply and distribution of water without having regard to the methods by which the Regional Corporation intends to recover the costs of the

Method of financing

Preparation of special assessment rolls and collection of special assessments
R.S.O. 1980, c. 250

Regional Corporation may require area municipality to collect moneys
R.S.O. 1980, c. 302

Approval of O.M.B. to undertaking, etc.

undertaking, work, project or scheme for which approval is being sought.

Powers of
O.M.B.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection (5) and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

Area municipa-
lities no
power to
supply and
distribute
water

(7) Subject to subsection (13), on or after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for such supply and distribution of water, or the financing thereof.

Vesting of
property in
Regional
Corporation

(8) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely for the purpose of the supply and distribution of water and all other assets, liabilities and surpluses or deficits, including reserves, of the local municipalities relating to any facility for such supply and distribution of water in the Regional Area or for any area municipality is vested in the Regional Corporation effective the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Payments of
principal
and interest
to area
municipi-
palities

(9) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under subsection (8), but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under the *Local Improvement Act* is payable as the owners' share of a local improvement work. 1974, c. 117, s. 56, *part*.

R.S.O. 1980,
c. 250

Default

(10) If the Regional Corporation fails to make any payment as required by subsection (9), the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 132.

Agreements

(11) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting such supply and distribution of water, the Regional Corporation shall, on and after the 1st day of

January, 1974, stand in the place and stead of such municipality or local board for all purposes of any such agreement.

(12) The Regional Corporation may enter into agreements ^{Idem} with the corporation of any adjoining municipality, including a regional, district or metropolitan municipality, with respect to the matters provided for in this Part.

(13) The Regional Corporation may enter into an agree-^{Idem}ment with any area municipality or local board thereof regarding the recovery of the cost of the supply and distribution of water.

(14) The clerk of an area municipality shall, on notice ^{Entry by clerk on collector's roll} to him by the treasurer of the Regional Corporation of an amount due in respect of the supply of water and by whom it is due and the lands on which a lien is claimed, enter the amount due upon the collector's roll of the area municipality and subsections 30 (2), (3) and (4) of the *Public Utilities Act* ^{R.S.O. 1980, c. 423} apply and the moneys collected shall be forwarded to the treasurer of the Regional Corporation.

(15) All urban service areas as they exist on the 31st day ^{Existing urban service areas} of December, 1974, pertaining to the purposes of this Part, in an area municipality continue until such time as the Regional Council otherwise determines. 1974, c. 117, s. 56, *part.*

PART VIII

REGIONAL SEWAGE WORKS

75.—(1) On and after the 1st day of January, 1975, the ^{Regional Corporation responsibility for collection and disposal of sewage} Regional Corporation, except as provided in subsection (12), has the sole responsibility for the collection and disposal of all sewage in the Regional Area, including the establishment, construction, maintenance, operation and financing thereof, and all the provisions of any general Act relating to such collection and disposal of such sewage and the financing thereof by a municipal corporation or a local board thereof and all the provisions of any special Act relating to such collection and disposal of such sewage and the financing thereof by an area municipality or a local board thereof apply with necessary modifications to the Regional Corporation, except the power to establish a public utilities commission. 1974, c. 117, s. 56, *part.*

(2) The Regional Corporation may finance the whole or ^{Method of financing} any part of the cost, including the establishment, construction, maintenance, operation and debt charges, of collection and disposal of sewage,

- (a) by imposing a surcharge on the water rate, which does not require the approval of the Municipal Board, and such surcharge shall be collectable in the same manner as water rates and shall be deemed to be a user charge and no property shall be exempt from such charge by reason only that it is exempt from taxation under section 3 of the *Assessment Act*;

R.S.O. 1980,
c. 31

- (b) by establishing one or more urban service areas with the approval of the Municipal Board and imposing a rate or rates in such area or areas; or

- (c) by any method or methods authorized by law or by any combination thereof. 1974, c. 117, s. 56, *part*; 1976, c. 70, s. 57.

Preparation
of special
assessment
rolls and
collection
of special
assessments
R.S.O. 1980,
c. 250

(3) If the Regional Corporation proceeds under the *Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the Regional Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the Regional Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the Regional Corporation.

Regional
Corporation
may require
area municipi-
pality to
collect
moneys
required
R.S.O. 1980,
c. 302

(4) Where the Regional Corporation does not proceed by imposing a surcharge on the water rate, or under the *Local Improvement Act*, or under section 218 of the *Municipal Act*, the Regional Corporation may require any area municipality to collect the sums required for financing the collection and disposal of sewage either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality and such special rate does not require the approval of the Municipal Board.

Approval of
O.M.B. to
undertaking,
etc.

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to the collection and disposal of sewage without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

Powers of
O.M.B.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an

undertaking, work, project or scheme approved by the Board under subsection (5) and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

(7) Subject to subsection (15), on and after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for the collection and disposal of sewage, or the financing thereof, except as provided in subsection (12).

No area municipality to collect and dispose of sewage

(8) All sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage, including all assets and liabilities, surpluses, reserves and deficits of an area municipality relating thereto, except as provided in subsection (12), and all real and personal property of any nature whatsoever used solely for the purpose of the collection and disposal of such sewage in the Regional Area by any area municipality are vested in the Regional Corporation on the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Vesting of property in Regional Corporation

(9) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under subsection (8), but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that, under the *Local Improvement Act*, is payable as the owners' share of the local improvement work. 1974, c. 117, s. 56, *part*.

Regional Corporation liability

R.S.O. 1980, c. 250

(10) If the Regional Corporation fails to make any payment as required by subsection (9), the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 133.

Default

(11) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting the interception, collecting, settling, treating, dispersing, disposing or discharging of sewage, except as

Agreements

provided for in subsection (12), the Regional Corporation shall stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Area
municipality
responsibility
for storm
drainage

(12) Subject to subsection (13), each area municipality is responsible for land drainage, including storm, surface, overflow, subsurface, or seepage waters or other drainage from land, within the municipality and including the drainage of any road in the municipality that does not form part of the regional road system.

Regional
Corporation
may under-
take land
drainage
program

(13) The Regional Corporation may undertake such land drainage, including the assumption of any work or works of an area municipality pertaining thereto, in the whole or any part or parts of the Regional Area, and where the Regional Corporation does so the provisions of this Part apply, with necessary modifications, to the establishment, construction, maintenance, operation and financing thereof.

Agreements

(14) The Regional Corporation may enter into agreements with the corporation of any adjoining municipality, including a regional, district or metropolitan municipality with respect to the matters provided for in this Part.

Idem

(15) The Regional Corporation may enter into an agreement with any area municipality or local board thereof regarding the recovery of costs of the collection and disposal of sewage.

Existing
urban service
areas

(16) All urban service areas as they exist on the 31st day of December, 1974, pertaining to the purposes of this Part, in an area municipality continue until such time as the Regional Council otherwise determines. 1974, c. 117, s. 56, *part*.

PART IX

FINANCES

Interpre-
tation
R.S.O. 1980,
c. 31

76. In this Part, "rateable property" includes business and other assessment made under the *Assessment Act*. 1973, c. 155, s. 4, *part, revised*.

Investment of
moneys not
immediately
required
R.S.O. 1980,
c. 302
Deemed
municipality
for purposes of
R.S.O. 1980,
c. 102

77.—(1) Section 169 of the *Municipal Act* applies with necessary modifications to the Regional Corporation. 1973, c. 155, s. 4, *part*.

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of section 35 of the *Credit Unions and Caisses Populaires Act*. 1979, c. 81, s. 134.

YEARLY ESTIMATES

78.—(1) The Regional Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the Regional Corporation, including the sums required by law to be provided by the Regional Corporation for any local board of the Regional Corporation, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Ministry may from time to time prescribe. ^{Yearly estimates}

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and as the Ministry may approve. ^{Allowance to be made in estimates}

(3) Section 33 of the *Assessment Act* and section 465 of the *Municipal Act* apply with necessary modifications to the Regional Corporation. 1973, c. 155, s. 4, *part, revised*. ^{Application of R.S.O. 1980, cc. 31, 302}

79.—(1) The Regional Council in each year shall levy against the area municipalities a sum sufficient, ^{Levy on area municipalities}

(a) for payment of the estimated current annual expenditures as adopted; and

(b) for payment of all debts of the Regional Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the Regional Corporation is liable under this Act.

(2) The Regional Council shall ascertain and by by-law direct what portion of the sum mentioned in subsection (1) shall be levied against and in each area municipality. ^{Apportionment}

(3) Subject to subsection (9), all amounts levied under subsection (1) shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the Regional Area, according to the last revised assessment rolls. ^{Idem}

(4) The Ministry of Revenue shall revise, equalize and weight the last revised assessment rolls of the area municipalities and, for the purpose of subsection (3), the last revised assessment rolls for the area municipalities as so revised, ^{Assessment}

equalized and weighted by the Ministry of Revenue shall be deemed to be the last revised assessment rolls of the area municipalities.

Copy to
Regional
Corporation
and area
municipalities

(5) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment, the Ministry of Revenue shall notify the Regional Corporation and each of the area municipalities of the revised, equalized and weighted assessment of each area municipality.

Appeal

(6) If any area municipality is not satisfied with the assessment as revised, equalized and weighted by the Ministry of Revenue, the area municipality may appeal from the decision of the Ministry of Revenue by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised, equalized and weighted assessment was sent to the area municipality by the Ministry of Revenue.

Idem

(7) Every notice of revision, equalization and weighting made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision, equalization and weighting.

Amendment
of by-law
where
necessary
following
appeal

(8) Where the last revised assessment of the area municipality has been revised, equalized and weighted by the Ministry of Revenue and has been appealed, the Regional Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection (2) so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and,

- (a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the treasurer of the Regional Corporation; and
- (b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the treasurer of the Regional Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the treasurer of the Regional Corporation shall pay the amount of the decrease to the treasurer of the area municipality.

Fixed
assessments,
etc., not
to apply

(9) The apportionment of the levy among the area municipalities as provided for in subsections (2) and (3) shall be based on the full value of all rateable property, and, notwithstanding any

general or special Act, no fixed assessment other than a fixed assessment under section 22 of the *Assessment Act*, or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of the *Assessment Act*. 1973, c. 155, s. 4, *part*.

R.S.O. 1980,
c. 31

(10) The assessment upon which the levy shall be apportioned among the area municipalities shall include the valuations of all properties for which payments in lieu of taxes which include a payment in respect of regional levies are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or Ontario Hydro or under subsection 133 (6) to any area municipality and the amount by which the assessment of an area municipality shall be deemed to be increased by virtue of payments under sections 160 and 161 of the *Municipal Act* and section 4 of the *Provincial Parks Municipal Tax Assistance Act*, and subsection 8 (1) of the *Ontario Unconditional Grants Act*. 1973, c. 155, s. 4, *part*; 1973, c. 57, s. 19.

Assessment
to include
valuations
on properties
for which
payments in
lieu of taxes
paid

R.S.O. 1980,
cc. 302, 402,
359

(11) Within fourteen days of a request by the Ministry of Revenue, the clerk of an area municipality shall transmit to the said Ministry a statement of the payments referred to in subsection (10) and the said Ministry shall revise, equalize and weight the valuations of these payments and shall notify the Regional Corporation and the appropriate area municipality of such valuations.

Valuation of
properties

(12) One by-law or several by-laws for making the levies may be passed as the Regional Council may consider expedient.

Levy
by-laws

(13) Subject to subsections 36 (4), (5) and (6) of the *Assessment Act*, in each area municipality the regional levy shall be calculated and levied upon the whole rateable property rateable for such purpose within such area municipality according to the last revised assessment roll thereof.

Regional
levy

(14) All moneys levied against an area municipality under the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the Regional Corporation and the treasurer of every area municipality shall pay the moneys so levied to the treasurer of the Regional Corporation at the times and in the amounts specified by the by-law of the Regional Council mentioned in subsection (2). 1973, c. 155, s. 4, *part*.

Payment

(15) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 15 per cent per annum, or such lower rate as the Regional Council

Default

determines, from the date payment is due until it is made. 1979, c. 81, s. 135.

Equalized
assessment
of merged
areas

80.—(1) The Ministry of Revenue shall revise, equalize and weight each part of the last revised assessment roll of the area municipalities that relates to a merged area and each such part of the last revised assessment roll of each of the area municipalities as revised, equalized and weighted is final and binding.

Notice

(2) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment in an area municipality under subsection (1), the Ministry of Revenue shall notify the area municipality of the revised, equalized and weighted assessment.

Apportion-
ment among
merged areas
R.S.O. 1980,
cc. 302, 31

(3) The net regional levy and the sums adopted in accordance with section 164 of the *Municipal Act* for all purposes, excluding school purposes, levied against the whole rateable property of an area municipality shall be apportioned among the merged areas of such area municipality in the proportion that the total equalized and weighted assessment of each merged area bears to the total equalized and weighted assessment of the area municipality both according to the last revised assessment roll as equalized and weighted by the Ministry of Revenue under subsection (1), and subsection 26 (9) of the *Assessment Act* shall not apply to any apportionment by an area municipality under this subsection. 1973, c. 155, s. 4, *part, revised*.

Levy by
Regional
Council
before
estimates
adopted

81.—(1) Notwithstanding section 79, the Regional Council may, before the adoption of estimates for the year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the Regional Council in the preceding year against that area municipality and subsections 79 (14) and (15) apply to such levy.

Levy under
s. 79
to be reduced

(2) The amount of any levy made under subsection (1) shall be deducted from the amount of the levy made under section 79.

Levy by
area
municipality
before
estimates
adopted

(3) Notwithstanding section 80, the council of an area municipality may in any year, before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, on the whole of the assessment for real property including business assessment in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters.

Levy under
s. 80 to be
reduced

(4) The amount of any levy under subsection (3) shall be deducted from the amount of the levy made under section 80.

(5) Subsection 159 (5) of the *Municipal Act* applies to levies made under this section. 1973, c. 155, s. 4, *part, revised*. Application of R.S.O. 1980, c. 302, s. 159 (5)

82.—(1) For the purposes of levying taxes under Part IV of the *Education Act*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the area municipality shall be deemed to be the council of each such merged area. Rates under R.S.O. 1980, c. 129

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of the application of section 222 of the *Education Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 80 (1). Rates for public school purposes on commercial assessment

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 222 of the *Education Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 80 (1). Rates for public school purposes on residential assessment

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 222 of the *Education Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 80 (1). Rates for secondary school purposes on commercial assessment

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 222 of the *Education Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 80 (1). Rates for secondary school purposes on residential assessment

(6) Notwithstanding subsections (2), (3), (4) and (5), where, in any year, a regulation is in force under section 214 of the *Education Act*, the apportionments referred to in the said subsections (2), Regulations under R.S.O. 1980, c. 129, to apply

(3), (4) and (5) shall be made in accordance with the regulation. 1973, c. 155, s. 4, *part*.

ADJUSTMENTS

Transitional
adjustments

83. The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of any area municipality and the Town of Tillsonburg, shall levy, on the assessment for real property and business according to the last revised assessment roll, in any specified merged area or areas or in any specified part or parts of the Town of Tillsonburg rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section. 1973, c. 155, s. 4, *part, revised*.

RESERVE FUNDS

Reserve funds
of municipi-
palities

84.—(1) Reserve funds established by local municipalities for purposes for which the Regional Council has authority to spend funds and for which the council of an area municipality has no authority to spend funds are reserve funds of the Regional Corporation and the assets of such reserve funds are vested in the Regional Corporation.

Idem

(2) Reserve funds established by local municipalities, other than divided municipalities, for purposes for which the councils of area municipalities have authority to spend funds and for which the Regional Council has no authority to spend funds are reserve funds of the area municipality of which the local municipality forms a part and the assets of such reserve funds are vested in such area municipality. 1973, c. 155, s. 4, *part*.

Reserve
funds,
establish-
ment

85.—(1) The Regional Council may in each year provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds. 1976, c. 70, s. 58 (1).

Investments
and income

(2) The moneys raised for a reserve fund established under subsection (1) shall be paid into a special account and may be invested in such securities as a trustee may invest in under the *Trustee Act*, and the earnings derived from the investment of such moneys form part of the reserve fund. 1973, c. 155, s. 4, *part*.

R.S.O. 1980,
c. 512

Expenditure
of reserve
fund moneys

(3) The moneys raised for a reserve fund established under subsection (1) shall not be expended, pledged or applied to any purpose other than that for which the fund was established, unless approved by the Regional Council. 1976, c. 70, s. 58 (2).

(4) The auditor in his annual report shall report on the Auditor to report on activities and position of each reserve fund established under reserve funds subsection (1). 1973, c. 155, s. 4, *part*.

TEMPORARY LOANS

86.—(1) The Regional Council may by by-law, either Current borrowings before or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize the chairman and treasurer to borrow from time to time by way of promissory note such sums as the Regional Council considers necessary to meet, until the levies and other revenues are received, the current expenditures of the Regional Corporation for the year, including the amounts required for principal and interest falling due within the year upon any debt of the Regional Corporation and the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation.

(2) The amount that may be borrowed at any one time Limit upon borrowings for the purposes mentioned in subsection (1), together with any similar borrowings that have not been repaid, shall not, except with the approval of the Municipal Board, exceed 70 per cent of the uncollected balance of the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the year.

(3) Until such estimates are adopted, the limitation upon Temporary application of estimates of preceding year borrowing prescribed by subsection (2) shall temporarily be calculated upon the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the next preceding year.

(4) The lender is not bound to establish the necessity Protection of lender of borrowing the sum lent or to see to its application.

(5) Any promissory note made under the authority of Execution of promissory notes this section shall be sealed with the seal of the Regional Corporation and signed by the chairman or by some other person authorized by by-law to sign it, and by the treasurer, and may be expressed so as to bear interest only upon such money as may be borrowed thereon from the time when such money is actually lent.

(6) The signature of the chairman or any other person Idem authorized to sign promissory notes may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer or any other person authorized by by-law

to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

Creation
of charge

(7) The Regional Council may by by-law provide or authorize the chairman and treasurer to provide by agreement that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, be a charge upon the whole or any part or parts of the revenues of the Regional Corporation for the current year and for any preceding years as and when such revenues are received, provided that such charge does not defeat or affect and is subject to any prior charge then subsisting in favour of any other lender.

Execution of
agreements

(8) Any agreement entered into under subsection (7) shall be sealed with the corporate seal and signed by the chairman and treasurer.

Penalty
for excess
borrowings

(9) If the Regional Council authorizes the borrowing of or borrows any larger amount than is permitted under this section, every member who knowingly votes therefor is disqualified from holding any municipal office for two years.

Penalty
for mis-
application
of revenues
by Regional
Council

(10) If the Regional Council authorizes the application of any revenues of the Regional Corporation charged under the authority of this section otherwise than in repayment of the loan secured by such charge, the members who knowingly vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Penalty
for mis-
application
of revenues
by officials

(11) If any member of the Regional Council or officer of the Regional Corporation knowingly applies any revenues so charged otherwise than in repayment of the loan secured by such charge, he is personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Saving
as to
penalties

R.S.O. 1980,
c. 303

(12) Subsections (9), (10) and (11) do not apply to the Regional Council or any member of the Regional Council or officer of the Regional Corporation acting under an order or direction issued or made under the authority of the *Municipal Affairs Act*, nor do they apply in any case where application of the revenues of the Regional Corporation is made with the consent of the lender in whose favour a charge exists. 1977, c. 34, s. 50.

DEBT

87.—(1) Subject to the limitations and restrictions in this ^{Debt} Act and the *Ontario Municipal Board Act*, the Regional ^{R.S.O. 1980,} Council may borrow money for the purposes of, ^{c. 347}

- (a) the Regional Corporation;
- (b) any area municipality;
- (c) the joint purposes of any two or more area municipalities,

whether under this or any general or special Act, and may issue debentures therefor on the credit of the Regional Corporation.

(2) All debentures issued pursuant to a by-law passed by ^{Liability} the Regional Council under the authority of this Act are direct, joint and several obligations of the Regional Corporation and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities, but nothing in this subsection affects the rights of the Regional Corporation and of the area municipalities respectively as among themselves.

(3) Notwithstanding any general or special Act, no area ^{Limitation} municipality has, after the 31st day of March, 1974, power to issue debentures.

(4) When an area municipality, on or before the 31st day of ^{Uncompleted} March, 1974, ^{works}

- (a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 64 (1) of the *Ontario Municipal Board Act*; and
- (b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

the Regional Council upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the Regional Corporation for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue

such debentures and provide temporary financing for the area municipality in the manner provided in section 90 and no further approval of the Municipal Board is required.

Bonds,
debentures,
etc., trustee
investments

R.S.O. 1980,
c. 512

(5) Bonds, debentures and other evidences of indebtedness of the Regional Corporation shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of the *Trustee Act*, 1973, c. 155, s. 4, *part*.

Power to
incur debt
or issue
debentures
R.S.O. 1980,
c. 347

88. Subject to the limitations and restrictions in this Act and the *Ontario Municipal Board Act*, the Regional Corporation may by by-law incur a debt or issue debentures for the purposes set forth in subsection 87 (1) and, notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the Regional Area. 1973, c. 155, s. 4, *part*.

Idem

89.—(1) Where, under any general or special Act, an area municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the Regional Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence to the passing of the by-law by the Regional Council has been obtained.

Proviso

(2) Nothing in subsection (1) requires the assent of any electors where such assent has been dispensed with under section 63 of the *Ontario Municipal Board Act*. 1973, c. 155, s. 4, *part*.

Borrowing
pending
issue and
sale of
debentures

90.—(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time for the purposes authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

Idem

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of the area municipality pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality shall, agree with a bank or person for temporary advances

from time to time for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality. 1977, c. 34, s. 51 (1).

(3) The Regional Corporation may charge interest on any proceeds of an advance or loan transferred under subsection (2) at a rate sufficient to reimburse it for the cost of such advance or loan.

Interest
on proceeds
transferred

(4) The proceeds of every advance or loan under this section shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to see to the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality, the balance, subject to section 104, shall be transferred to the area municipality.

Application
of proceeds
of loan

(5) Subject to subsection (4), the redemption of a debenture hypothecated does not prevent the subsequent sale thereof. 1973, c. 155, s. 4, *part*.

Hypotheca-
tion not
to prevent
subsequent
sale of
debentures

(6) The signature of the chairman or any person authorized to sign loan agreements may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on loan agreements made under this section and, if such loan agreement is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced. 1977, c. 34, s. 51 (2).

Signature
of chairman,
etc., may be
mechanically
reproduced

91.—(1) Where the Regional Corporation has entered into an agreement under the *Ontario Water Resources Act* whereby the Regional Corporation is entitled to receive moneys from the Crown, the Regional Council, pending the receipt of such moneys may, in order to meet expenditures incurred in carrying out the agreement, agree with a bank or a person for temporary advances from time to time.

Temporary
borrowing
R.S.O. 1980,
c. 361

(2) The proceeds of every advance under this section shall be applied to the expenditures incurred in carrying out the agreement made by the Regional Corporation under the *Ontario Water Resources Act*, but the lender shall not be bound

Application
of proceeds

to see to the application of the proceeds and, when the Regional Corporation has received the moneys to which it is entitled from the Crown under the said agreement such moneys shall be applied first in repayment of the advances. 1976, c. 43, s. 111.

Principal
and
interest
payments

92.—(1) Subject to subsection (2), a money by-law for the issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest.

Sinking
fund
debentures

(2) A money by-law for the issuing of debentures may provide that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case debentures issued under the by-law shall be known as sinking fund debentures.

When
debentures
to be
payable

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve.

Special
levy against
area municipi-
palities

(4) The by-law may provide for raising in each year, by special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each area municipality shall pay to the Regional Corporation such sums at the times and in the amounts specified in the by-law.

General
levy

(5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law.

Levy by
area municipi-
palities

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection (4) may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection (4).

Instalment
debentures
and
debentures
to refund
existing
debentures
at maturity

(7) Notwithstanding subsection (5), the Regional Council may by by-law,

(a) authorize the borrowing of money by the issue of instalment debentures, the last instalment of which

shall mature not earlier than ten years after the date upon which they are issued, and a specified sum of principal payable thereunder in the final year shall be raised by the issue of refunding debentures as provided in clause (b), and it shall not be necessary to raise by special rate in the year of maturity of the debentures to be refunded an amount equal to the specified principal amount of the debentures which are being refunded; and

- (b) authorize the issue of debentures to refund at maturity outstanding debentures of the municipality, provided that the refunding debentures shall be payable within the maximum period of years that was approved by the order of the Municipal Board for the repayment of debentures issued for the debt for which the outstanding debentures were issued, commencing on the date of the debentures originally issued for such debt,

and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a special levy or levies against such area municipality or municipalities as may be specified in the by-law and such levy shall be levied against the same area municipality or municipalities in each case.

(8) Any special levy against an area municipality imposed by the by-law under the authority of subsection (7) may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection (7), and any levy imposed by a by-law under clause (7) (b) shall be levied by the area municipality against the same persons or property as the levy imposed by the related by-law under clause (7) (a) was levied. ^{Levy}

(9) All levies imposed by the by-law against an area municipality are a debt of the area municipality to the Regional Corporation. ^{Levies a debt}

(10) The Regional Council may by by-law authorize a change in the mode of issue of the debentures and may provide that the debentures be issued with coupons instead of in amounts of combined principal and interest or *vice versa*, and, where any debentures issued under the by-law have been sold, pledged or hypothecated by the Regional Council, upon again acquiring them or at the request of any holder of them, may cancel them and issue one or more debentures ^{By-law to change mode of issuing debentures}

in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year. 1973, c. 155, s. 4, *part*.

Debentures,
when to be
dated and
issued

(11) All the debentures shall be issued within two years after the passing of the by-laws unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the Regional Council it would not be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law. 1973, c. 155, s. 4, *part*; 1976, c. 43, s. 112 (1).

Date of
debentures

(12) All the debentures shall bear the same date, except where they are issued in sets, in which case every debenture of the same set shall bear the same date.

Idem

(13) Notwithstanding the provisions of the by-law, the debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection (11) and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.

Extension
of time
for issue

(14) The Municipal Board, on the application of the Regional Council, the council of any area municipality or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

Application
after time
expired

(15) The extension may be made although the application is not made until after the expiration of the two years or of the time provided for the issue of the set.

Effective
date

(16) Unless the by-law names a later day when it is to take effect, it takes effect on the day of its passing.

Consolida-
tion

(17) Notwithstanding any general or special Act, the Regional Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor.

(18) Section 145 of the *Municipal Act* applies with necessary modifications to the Regional Corporation.

Consolidating
debenture
by-laws

(19) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the Regional Corporation on any date prior to maturity, subject to the following provisions:

R.S.O. 1980,
c. 302

Redemption
before
maturity

1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and the amount at which such debenture may be so redeemed.
2. The principal of every debenture that is so redeemable becomes due and payable on the date set for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of principal thereof, the interest to the date set for redemption and any premium payable on redemption.
3. Notice of intention so to redeem shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.
4. At least thirty days prior to the date set for such redemption notice of intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the Regional Area and in such other manner as the by-law may provide.
5. Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debentures issued under the by-law shall be called for such redemption in priority to any debentures that have a later maturity date.
6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council in respect of the debenture so redeemed.

Currency

(20) The by-law may provide that the debentures to be issued thereunder shall be expressed and be payable,

- (a) in lawful money of Canada and payable in Canada; or
- (b) in lawful money of the United States of America and payable in the United States of America; or
- (c) in lawful money of Great Britain and payable in Great Britain; or
- (d) subject to the prior approval of the Lieutenant Governor in Council, in a currency other than that of Canada, the United States of America or Great Britain.

Annual rates

(21) Where, under the provisions of the by-law, debentures issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, or in any currency other than that of Canada, the Regional Council may in such by-law or in any amending by-law in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in such year, provide that there shall be raised such yearly amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary.

Principal levies

(22) When sinking fund debentures are issued, the amount of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding 5 per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due.

Consolidated bank accounts

(23) When sinking fund debentures are issued, the sinking fund committee shall keep one or more consolidated bank accounts in which,

- (a) the treasurer of the Regional Corporation shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and
- (b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments.

Sinking fund committee

(24) When sinking fund debentures are issued, there shall be a sinking fund committee that shall be composed of the

treasurer of the Regional Corporation and two members appointed by the Regional Council, and the two appointed members may be paid, out of the current fund of the Regional Corporation, such annual remuneration as the Regional Council determines. 1973, c. 155, s. 4, *part*;

(25) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member and any such alternate member may be paid, out of the current fund of the Regional Corporation, such remuneration as the Regional Council determines. 1976, c. 70, s. 59.

Alternate
members

(26) The treasurer of the Regional Corporation shall be the chairman and the treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer.

Chairman

(27) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, in such amount as the auditor of the Regional Corporation shall determine, and in other respects the provisions of section 94 of the *Municipal Act* apply with respect to such security.

Security

R.S.O. 1980,
c. 302

(28) Two members of the sinking fund committee are a quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee.

Quorum

(29) All assets of the sinking funds, including all consolidated bank accounts, shall be under the sole control and management of the sinking fund committee.

Control of
sinking fund
assets

(30) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all cheques on the consolidated bank accounts shall be signed by the chairman or acting chairman and one other member of the sinking fund committee.

Withdrawals
from bank
accounts

(31) The sinking fund committee shall invest any moneys on deposit from time to time in the consolidated bank accounts and may at any time or times vary any investments. 1973, c. 155, s. 4, *part*.

Investments

(32) The moneys in the consolidated bank accounts shall be invested in one or more of the following forms,

Idem

R.S.O. 1980,
c. 512

- (a) in securities in which a trustee may invest under the *Trustee Act*;
- (b) in debentures of the Regional Corporation;
- (c) in temporary advances to the Regional Corporation pending the issue and sale of any debentures of the Regional Corporation;
- (d) in temporary loans to the Regional Corporation for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made;
- (e) in securities issued or unconditionally guaranteed as to principal and interest by the United States of America;
- (f) in such other securities as are authorized by the Lieutenant Governor in Council. 1973, c. 155, s. 4, *part*; 1976, c. 43, s. 112 (2).

Deposit of
securities
with
Treasurer of
Ontario

(33) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be deposited with the Treasurer of Ontario.

Release of
securities by
Treasurer of
Ontario

(34) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under subsection (33) only upon the direction in writing of the sinking fund committee.

Sinking
fund
accounts

(35) All sinking fund debentures issued on the same date, payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws, shall be deemed one debt and be represented by one sinking fund account.

Earnings
credited to
sinking fund
accounts

(36) That portion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments obtained by,

- (a) multiplying the amount of all such earnings by the amount of the capitalized interest for that year under subsection (22) with respect to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account; and
- (b) dividing the product obtained under clause (a) by the amount of all capitalized interest for that year under

subsection (22) with respect to all principal raised up to and including such year for all outstanding sinking fund debentures,

shall be credited to the sinking fund account mentioned in clause (a).

(37) The treasurer of the Regional Corporation shall prepare and lay before the Regional Council in each year, before the annual regional levies are made, a statement showing the sums that the Regional Council will be required, by by-law, to raise for sinking funds in that year. ^{Sinking fund requirements}

(38) If the treasurer of the Regional Corporation contravenes subsection (23) or (37), he is guilty of an offence and on conviction is liable to a fine of not more than \$250. ^{Offence}

(39) If the Regional Council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the Regional Council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount. ^{Failure to levy}

(40) Notwithstanding this or any other Act or by-law if it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the estimated earnings to be credited thereto under subsection (36) together with the levy acquired to be made by the by-law or by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of the debt represented by such sinking fund account when it matures, the Municipal Board, on the application of the sinking fund committee, the Regional Council or the council of an area municipality, may authorize the Regional Council or the council of an area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board. ^{Where amount in sinking fund account more than sufficient to pay debt}

(41) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the Regional Corporation or otherwise than is provided in this section. ^{No diversion of sinking funds}

(42) When there is a surplus in a sinking fund account, the sinking fund committee shall, ^{Surplus}

- (a) use the surplus to increase the amount at the credit of another sinking fund account; or

(b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes,

- (i) to retire unmatured debentures of the Regional Corporation or of an area municipality,
- (ii) to reduce the next annual levy on account of principal and interest payable with respect to debentures of the Regional Corporation or of an area municipality,
- (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause (a) or (b) for the purposes of the Regional Corporation or an area municipality in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

Deficit and
surplus

(43) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities, any deficit in the sinking fund account shall be provided by the Regional Corporation out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection (42).

Term
debentures

(44) A money by-law may authorize the issue of debentures of which a portion shall be payable on a fixed date with interest payable annually or semi-annually, in which case such debentures shall be known as term debentures.

Amounts to
be raised
annually

(45) In respect of the term debentures, the by-law shall provide for raising,

- (a) in each year of the currency of the term debentures a sum sufficient to pay the interest on the term debentures; and
- (b) in each year of the currency of the term debentures in which no other debentures issued under the same by-law become due and payable, a specific amount to form a retirement fund for the term debentures which, with interest at a rate not to exceed 5 per cent per annum compounded yearly, will be sufficient to pay the principal of the term debentures at maturity. 1973, c. 155, s. 4, *part.*

(46) The retirement fund for the term debentures shall be administered by the sinking fund committee in all respects in the same manner as a sinking fund established under this section, and the provisions of subsections (23 to (43) of this section with respect to a sinking fund shall apply with necessary modifications to such retirement fund. 1973, c. 155, s. 4, *part*; 1976, c. 43, s. 112 (3).

(47) Notwithstanding the provisions of any general or special Act or any differences in date of issue or maturity, every debenture issued shall rank concurrently and *pari passu* in respect of payment of principal and interest thereon with all other debentures of the Regional Corporation except as to the availability of any sinking funds applicable to any particular issue of debentures. 1976, c. 43, s. 112 (4).

93. Notwithstanding any other provision of this Act,

- (a) a money by-law of the Regional Council may provide that all or a portion of the debentures to be issued thereunder shall be payable on a fixed date, subject to the obligation of the Regional Corporation to redeem by lot annually on each anniversary of the date of such debentures a specified principal amount of such debentures upon payment by the Regional Corporation of such principal amount plus accrued interest to the date of redemption and upon giving notice as provided in this section;
- (b) the principal amount of every debenture that is called for redemption shall become due and payable on the date set for the redemption thereof and, after such date, interest ceases to accrue thereon where provision is duly made by the Regional Corporation for the payment of the principal amount thereof;
- (c) the debentures to be redeemed on each anniversary of the date of such debentures shall be selected by lot by the treasurer of the Regional Corporation at a public meeting of the Regional Council and when redeemed shall be cancelled and shall not be reissued, provided always that the principal amount of the debentures to be redeemed in any year may be reduced by the principal amount of any debentures purchased by the Regional Corporation, at a price or prices not exceeding the principal amount thereof, and surrendered for cancellation on the date fixed for redemption;

notice to
redeem to
be sent by
mail

- (d) notice of intention to redeem any debenture shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person, if any, in whose name the debenture may be registered at the address shown in the Debenture Registry Book;

notice to
redeem to
be published

- (e) notice of intention to redeem any debenture shall be published at least thirty days prior to the date set for such redemption in such manner as the by-law may provide;

where only
portion of
debentures
payable on
fixed date

- (f) where only a portion of the debentures issued under a by-law is payable on a fixed date, the obligation of the Regional Corporation to redeem by lot annually a specified principal amount of such debentures does not apply in any year in which an instalment of principal of the remaining debentures issued under such by-law becomes due and payable; and

annual
amounts
payable to
be approxi-
mately equal

- (g) the aggregate amounts of principal and interest, or the amounts of principal, payable in each year during the currency of debentures issued under this section shall be approximately equal. 1976, c. 43, s. 113.

Application of
R.S.O. 1980,
c. 302, s. 152
(1)

94.—(1) Subsection 152 (1) of the *Municipal Act* applies with necessary modifications to the Regional Council. 1976, c. 70, s. 60.

Hypotheca-
tion not a sale
under this
section

(2) For the purposes of this section, the hypothecation of debentures under section 90 shall not constitute a sale or other disposal thereof.

Consolida-
tion of
debentures

(3) The Regional Council may by one by-law authorized under subsection (1) amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder.

Special
assessment
and levies

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council. 1973, c. 155, s. 4, *part.*

Repeal of
by-law when
part only of
money to be
raised

95.—(1) Where part only of a sum of money provided for by a by-law has been raised, the Regional Council may repeal

the by-law as to any part of the residue, and as a proportionate part of the amounts to be raised annually.

(2) The repealing by-law shall recite the facts on which it is founded, shall provide that it shall take effect on the 31st day of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board. 1973, c. 155, s. 4, *part*. When to take effect

96.—(1) Subject to section 95, after a debt has been contracted under a by-law, the Regional Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not alter any such by-law so as to diminish the amount to be raised annually, and shall not apply to any other purpose any money of the Regional Corporation that has been directed to be applied to such payment. Until debt paid certain by-laws cannot be repealed

(2) When the Regional Corporation, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply any of the moneys so paid for any purpose other than the payment of the amounts of principal and interest so becoming due. 1973, c. 155, s. 4, *part*. Application of payments

97. Any officer of the Regional Corporation whose duty it is to carry into effect any of the provisions of a money by-law of the Regional Corporation, who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on conviction is liable to a fine of not more than \$100. 1973, c. 155, s. 4, *part*. Offence for neglect of officer to carry out by-law

98.—(1) Within four weeks after the passing of a money by-law, the clerk may register a duplicate original or a copy of it, certified under his hand and the seal of the Regional Corporation, in the appropriate land registry office. Money by-laws may be registered

(2) Subject to section 61 of the *Ontario Municipal Board Act*, every by-law, registered in accordance with subsection (1), or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be Application to quash registered by law, when to be made R.S.O. 1980, c. 347

R.S.O. 1980,
cc. 126, 250

quashed, unless within one month after the registration in the case of by-laws passed under the *Drainage Act* or the *Local Improvement Act*, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought, is registered in such registry office within such period of three months or one month, as the case may be.

Time when
by-law to be
valid and
binding

(3) After the expiration of the period prescribed by subsection (2), if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms.

Quashing
part of
by-law

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection (2), but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, is after the expiration of that period, valid and binding according to its terms.

Dismissal of
application

(5) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered, and after such dismissal and the expiration of the period prescribed by subsection (2), if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms.

Illegal
by-laws not
validated

(6) Nothing in this section makes valid a by-law passed without the assent of the electors of an area municipality as required by subsection 89 (1) or a by-law where it appears on the face of it that any of the provisions of subsection 92 (5) have not been substantially complied with.

Failure
to register

(7) Failure to register a by-law as prescribed by this section does not invalidate it. 1973, c. 155, s. 4, *part*.

Debentures,
how sealed
and executed

99.—(1) A debenture or other like instrument shall be sealed with the seal of the Regional Corporation, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection (3), shall be signed by the chairman, or by some other person authorized by by-law of the Regional Corporation to sign it, and by the treasurer.

Interest
coupons

(2) A debenture may have attached to it interest coupons that shall be signed by the treasurer and his signature

may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the treasurer on the date the Regional Council authorized the execution of the debenture or on the date the debenture bears or at the time the debenture was issued and delivered.

(3) The signature of the chairman, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and if the debenture or other like instruments are countersigned in writing by a person authorized by by-law of the Regional Corporation to countersign, the signature of the treasurer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon.

(4) The seal of the Regional Corporation when so engraved, lithographed, printed or otherwise mechanically reproduced has the same force and effect as if manually affixed and the signature of the chairman or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the treasurer when so engraved, lithographed, printed or otherwise mechanically reproduced shall be deemed the signature of the chairman or other person so authorized to sign or of the treasurer, as the case may be, and is binding upon the Regional Corporation.

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signature of the persons provided in this section if such persons had authority to sign and countersign as provided in this section either on the date the Regional Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered. 1973, c. 155, s. 4, *part*.

100. Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the Regional Corporation, the by-law and the debentures issued under it are valid and binding upon the Regional Corporation. 1973, c. 155, s. 4, *part*.

101.—(1) Where a debenture contains or has endorsed upon it provision to the following effect:

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the treasurer of this Corporation (or by such other person authorized by by-law of this Corporation to endorse such certificate of ownership), transferable except by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the

.....

 of.....

the treasurer (or such other persons so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book to be called the Debenture Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.

Require-
ments as to
endorsing
certificate of
ownership

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the treasurer.

Transfer by
entry in
Debenture
Registry
Book

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in subsection (1), is transferable only by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors.

Fully
registered
debenture

(4) A debenture may be registered as to both principal and interest, in which case the interest thereon shall be paid by cheque and the debenture may be referred to as a fully registered debenture. 1973, c. 155, s. 4, *part.*

When
Debenture
Registry
Book
may be
maintained
outside
Canada

(5) Where debentures are payable in a currency other than that of Canada, the Regional Council may provide that the Debenture Registry Book of the Regional Corporation in respect of such debentures be maintained outside Canada by a corporation or person other than the treasurer and

make such other provisions for the registration and transfer of such debentures as the Regional Council considers appropriate. 1976, c. 43, s. 114.

102. Where a debenture is defaced, lost or destroyed, the Regional Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide. 1973, c. 155, s. 4, *part.*

Replacement
of lost
debentures

103—(1) On request of the holder of any debenture issued by the Regional Corporation, the treasurer of the Regional Corporation may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount.

Exchange of
debentures

(2) On the request of the sinking fund committee, the treasurer of the Regional Corporation may, as provided in this section, exchange debentures heretofore or hereafter issued by the Regional Corporation.

On request
of sinking
fund
committee

(3) Any new debenture mentioned in subsection (1) may be registered as to principal and interest but in all other respects shall be of the same force and effect as the debenture or debentures surrendered for exchange.

New debenture of same
force and
effect as
debenture
surrendered

(4) The treasurer and auditor of the Regional Corporation shall cancel and destroy all debentures surrendered for exchange and shall certify in the Debenture Registry Book that they have been cancelled and destroyed and shall also enter in the Debenture Registry Book particulars of any new debenture issued in exchange. 1973, c. 155, s. 4, *part.*

Debentures
surrendered
for exchange
to be
cancelled

104.—(1) The moneys received by the Regional Corporation from the sale or hypothecation of any debentures to the extent that such moneys are required for the purposes for which the debentures were issued, and for the repayment of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes.

Application
of proceeds
of
debentures

(2) None of the moneys received by the Regional Corporation from the sale or hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the Regional Corporation or an area municipality.

Idem

(3) Where on the sale of any debenture an amount is realized in excess of that required for the purpose or purposes

Surplus

poses for which the debentures were issued, the excess amount shall be applied,

- (a) if any such debentures are redeemable prior to maturity at the option of the Regional Corporation to redeem one or more of the debentures having the latest maturity date; or
- (b) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or
- (c) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

Deficiency

(4) Where on the sale of any debentures a deficiency in the amount required for the purpose or purposes for which the debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes. 1973, c. 155, s. 4, *part*.

Use of proceeds of sale of assets acquired from proceeds of sale of debentures

105. Where real or personal property acquired out of moneys received by the Regional Corporation from the sale or hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied as an excess in accordance with subsection 104 (3) or, with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the property disposed of or sold. 1973, c. 155, s. 4, *part*.

Tenders for debentures

106. When the Regional Corporation intends to borrow money on debentures under this or any other Act, the Regional Council may prior to the issue thereof call for tenders for the amount of money required and the person

tendering shall specify the rate of interest the debentures shall bear when issued at par. 1973, c. 155, s. 4, *part*.

107.—(1) The Regional Council shall,

Accounts,
how to be
kept

(a) keep a separate account of every debenture debt;

(b) where the whole of a debenture debt is not payable in the current year, keep in respect thereof,

(i) an additional account for the interest, if any, and

(ii) an additional account for the sinking fund or the instalments of principal,

distinguished from all other accounts by a prefix designating the purpose for which the debenture debt was contracted; and

(c) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

(2) The Regional Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt. 1973, c. 155, s. 4, *part*.

Consolidated
interest
account

108. If, in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of principal. 1973, c. 155, s. 4, *part*.

Application
of surplus
money

109.—(1) If the Regional Council applies any money raised for a special purpose or collected for a sinking fund in payment of current or other expenditure, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Liability
of members

(2) If the Regional Council, upon the request in writing of a ratepayer of any area municipality, refuses or neglects

Action by
ratepayer

for one month to bring an action therefor, the action may be brought by any such ratepayer on behalf of himself and all other ratepayers in the Regional Area.

Disqualifica-
tion

(3) The members who vote for such application are disqualified from holding any municipal office for two years. 1973, c. 155, s. 4, *part.*

Refinancing
of
debentures

110. When, by or under the authority of this Act, the Regional Corporation is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the Regional Corporation may, with the approval of the Municipal Board,

- (a) cancel all such debentures that have not been sold and issue new debentures of the Regional Corporation in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board, for the purposes for which such debentures were issued;
- (b) arrange with the area municipality for the redemption of all such debentures as are redeemable and issue new debentures of the Regional Corporation to raise the moneys required for such redemption; and
- (c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the Regional Corporation to raise the money required to complete such purchase. 1973, c. 155, s. 4, *part.*

PART X

GENERAL

Application of
R.S.O. 1980,
c. 302

111.—(1) Sections 5, 84, 85, 90, 92, 93, 94 and 96, subsections 98 (1), (4) and (5), sections 99, 100, 105, 106, 109, 113, 116, 117 and 121, subsection 165 (3), sections 190 and 205, paragraphs 3, 10, 11, 12, 23, 24, 30, 45, 46, 47, 48, 49, 50, 54 and 57 of section 208, subparagraph iii of paragraph 62 and subparagraph ii of paragraph 125 of section 120, paragraph 10 of section 315, section 326 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation. 1979, c. 81, s. 136 (1).

Loans re
sewer and
water
connections

(2) Where the Regional Council passes a by-law under subsection 219 (1) of the *Municipal Act*, the council of any area

municipality may exercise the powers contained in subsections (6), (7) and (8) of the said section, as if the by-law passed by the Regional Council had been passed by the council of such area municipality. 1974, c. 117, s. 57 (2).

(3) Section 228 and paragraph 7 of subsection 230 (1) of the *Municipal Act* apply with necessary modifications to the Regional Corporation and no area municipality shall exercise any such powers.

Application of
R.S.O. 1980,
c. 302

(4) Sections 10 and 11 and, subject to subsection 2 (4), subsection 14 (2) of the *Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, within the Regional Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature.

Erections,
annexations
and amal-
gamations

(5) The Regional Corporation shall be considered to be a local municipality for the purposes of paragraphs 98 and 129 of section 210 and section 253 of the *Municipal Act*.

Public trans-
portation
systems,
refuse
disposal,
entertain-
ment
expenses, etc.

(6) Notwithstanding any other provision in this Act, the Regional Council may pass a by-law authorizing the head of the department concerned to grant the approval required by subsection 33 (2) and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted. 1973, c. 155, s. 4, *part*, revised.

Delegation
of approval

(7) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 13 of the *Mortmain and Charitable Uses Act*. 1977, c. 34, s. 52 (2).

Application of
R.S.O. 1980,
c. 297, s. 13

(8) The Regional Corporation shall be deemed to be, and to have always been, a municipality for the purposes of section 311 of the *Municipal Act*. 1979, c. 81, s. 136 (2).

Deemed
municipality
for purposes of
R.S.O. 1980,
c. 302, s. 311

(9) Every by-law of a local municipality as it exists on the 31st day of March, 1974, shall remain in force in the area of the former local municipality on and after the 1st day of April, 1974, and may be amended or repealed by the council of an area municipality as it affects such area municipality. 1973, c. 155, s. 4, *part*.

By-laws

(10) Where any local municipality has passed a by-law that, prior to its coming into force requires the approval of any minister of the Crown, any provincial ministry, the Municipal Board or any provincial body or agency, and such approval has not been obtained prior to the 31st day of March, 1974, the council of the successor area municipality to such local municipality, or the Regional Council when the subject-matter of the by-law pertains to a function of the

Idem

Regional Corporation, shall be entitled to initiate or continue the procedure to obtain such approval to the by-law passed by the local municipality, in so far as it pertains to such area municipality or the Regional Corporation and the provisions of subsection (9) apply with necessary modifications to any such by-law. 1974, c. 117, s. 57 (3).

Vesting of
transporta-
tion system
assets in
Regional
Corporation

(11) In the event that the Regional Corporation establishes a transportation system in accordance with the provisions of subsection (5), no area municipality shall operate such a system and all the assets and liabilities of any area municipality used for a public transportation system vest in the Regional Corporation on the day such regional transportation system is established, without compensation, and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such assets. 1973, c. 155, s. 4, *part*.

Default

(12) If the Regional Corporation fails to make any payment on or before the due date, required by subsection (11), the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 136 (3).

Licensing
by-laws
may be
passed by
councils
of cities
R.S.O. 1980,
c. 302

112. The council of any city in the Regional Area may pass any by-law that a board of commissioners of police of a city is authorized to pass under the *Municipal Act*. 1975, c. 46, s. 14.

Emergency
measures,
civil defence

113.—(1) The Regional Council may pass by-laws,

- (a) for the establishment and maintenance of an emergency measures civil defence organization in the Regional Area; and
- (b) for providing moneys for emergency measures and civil defence, for the purposes of the emergency measures civil defence organization and for the cost of the operation of such organization, and for other similar work in the Regional Area,

and, when a by-law passed under this subsection is in force in the Regional Area, any by-laws passed by the council of an area municipality under subclauses 209 (b) (ii) and (iii) of the *Municipal Act* have no effect.

(2) When a by-law passed under clause (1) (a) is in force, the Regional Council may pass by-laws,

Powers of
Regional
Council re
emergency
measures

- (a) with the consent of the area municipality or local board concerned, for appointing heads of departments and alternates to be members of or advisors to the emergency measures planning committee or any subcommittee thereof;
- (b) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their emergency functions;
- (c) for appointing members of the emergency measures planning committee or of any subcommittee thereof to be in charge of such departments or utilities throughout the Regional Area, as the by-law may provide, when an emergency has been proclaimed under the *War Measures Act* (Canada);
- (d) for acquiring alternative headquarters for the Regional Government outside the Regional Area;
- (e) for obtaining and distributing emergency materials, equipment and supplies; and
- (f) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack. 1973, c. 155, s. 4, *part*, *revised*.

R.S.C. 1970,
c. W-2

114.—(1) The Regional Corporation may make expenditures for the purpose of diffusing information respecting the advantages of the regional municipality as an industrial, business, educational, residential or vacation centre. 1973, c. 155, s. 4, *part*; 1976, c. 43, s. 116.

Expenditures
for diffusing
information

(2) Paragraph 50 of section 210 and paragraph 22 of section 208 of the *Municipal Act* apply with necessary modifications to the Regional Corporation, and no area municipality shall exercise any such powers save and except in respect of those lands acquired or held by a local municipality on or before the 31st day of March, 1974.

Application of
R.S.O. 1980,
c. 302

(3) In the event that any employee is required to remain on the staff of any area municipality to complete the function referred to in subsection (2), the provisions of section 26 apply with necessary modifications to such employee on the date he is transferred to the Regional Corporation. 1973, c. 155, s. 4, *part*.

Staff

Payment
of damages
to employees

115. Where, in an action or by the settlement of a claim arising out of any injury to an employee, including a member of the Haldimand-Norfolk Regional Police Force, or to any person considered an employee for the purposes of the *Workmen's Compensation Act*, the Regional Corporation recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the Regional Corporation may impose. 1973, c. 155, s. 4, *part*.

R.S.O. 1980,
c. 539

Investigation
by county
judge of
charges of
malfeasance

116.—(1) Where the Regional Council passes a resolution requesting a judge of the county court within the Regional Area or a judge of the county court of a county or judicial district adjoining the Regional Area to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the Regional Council, or an officer or employee of the Regional Corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the Regional Corporation, or to inquire into or concerning any matter connected with the good government of the Regional Corporation or the conduct of any part of its public business, including any business conducted by a local board of the Regional Corporation, the judge shall make the inquiry and for that purpose has all the powers that may be conferred on a commission under Part II of the *Public Inquiries Act*, and he shall, with all convenient speed, report to the Regional Council the result of the inquiry and the evidence taken.

R.S.O. 1980,
c. 411

Fees payable
to judge

(2) The judge shall be paid by the Regional Corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under the *Judicature Act*.

R.S.O. 1980,
c. 223

Engaging
counsel

(3) The Regional Council may engage and pay counsel to represent the Regional Corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the Regional Corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel.

Idem

(4) The judge may engage counsel and such other assistants and staff and incur such incidental expenses as he considers advisable for the proper conduct of the investigation or inquiry, and the Regional Corporation shall pay the costs thereof. 1973, c. 155, s. 4, *part*.

Commission
of inquiry

117.—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may issue a commission to

inquire into any of the affairs of the Regional Corporation or a local board thereof, and any matter connected therewith, and the commission has all the powers that may be conferred on a commission under Part II of the *Public Inquiries Act*. R.S.O. 1980, c. 411

(2) A commission may be recommended at the instance When commission may issue of the Ministry or upon the request in writing of not less than one-third of the members of the Regional Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein.

(3) The expenses of and incidental to the execution of the Expenses of commission commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and are subject to such division between the Regional Corporation and the Province as the Lieutenant Governor in Council may direct. 1973, c. 155, s. 4, *part*.

118. The Regional Corporation for its purposes may enter, Entry on highway, etc. break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor, but all such highways, lanes and other public communications shall be restored to their original condition without unnecessary delay. 1973, c. 155, s. 4, *part*.

119. The Regional Corporation and any area municipality Agreements re services may enter into agreements for the use within any part of the Regional Area of the services of their respective officers, employees and equipment on any such terms and conditions as the councils deem necessary. 1973, c. 155, s. 4, *part*.

120.—(1) For the purposes of paragraph 9 of section 3 and section 26 of the *Assessment Act*, the Regional Corporation shall be deemed to be a municipality. Application of R.S.O. 1980, c. 31

(2) For the purposes of paragraph 9 of section 3 of the *Assessment Act*, where property belonging to the Regional Corporation is occupied by an area municipality or where property belonging to an area municipality is occupied by the Regional Corporation or another area municipality, the occupant shall not be considered to be a tenant or lessee, whether rent is paid for such occupation or not. Regional Corporation and area municipalities deemed not tenants

(3) In subsection (2), “Regional Corporation” and “area municipality” include a local board thereof. 1973, c. 155, s. 4, *part*. Interpretation

Execution
against
Regional
Corporation

121.—(1) An execution against the Regional Corporation may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following:

1. The sheriff shall deliver a copy of the writ and endorsement to the treasurer of the Regional Corporation, or leave such copy at the office or dwelling place of the treasurer, with a statement in writing of the sheriff's fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.
2. If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the Regional Council for general purposes are apportioned among the area municipalities, determine the portion of the amount mentioned in the statement that shall be levied against and in each area municipality.
3. The sheriff shall then in like manner as rates struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the execution, and in determining such amount he may make such addition to the same as the sheriff considers sufficient to cover its share of the interest up to the time when the rate will probably be available and his own fees and poundage.
4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality and shall annex to the precept the roll of such rate and shall by the precept, after reciting the writ and that the Regional Corporation has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect of the general annual rates.
5. If, at the time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year,

he shall add a column thereto, headed "Execution in A.B. vs. The Regional Municipality of Haldimand-Norfolk" (adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.

6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same to the treasurer of the area municipality.

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect, or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be considered to be officers of the court out of which the writ issued, and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them. 1973, c. 155, s. 4, *part*.

Function
of clerk,
collector and
assessor

122.—(1) The Corporations of the counties of Haldimand and Norfolk are dissolved on the 1st day of April, 1974, and the Regional Corporation shall stand in the place and stead of such counties in any agreements to which such counties were parties in so far as such agreements pertain to the Regional Area.

Counties
dissolved

(2) All the assets and liabilities of the counties of Haldimand and Norfolk become, subject to section 92 of *The Regional Municipality of Haldimand-Norfolk Act, 1973*, being chapter 96, on the 1st day of April, 1974, the assets and liabilities of the Regional Corporation and all documents and records kept by the clerk or treasurer or any other officer of the counties of Haldimand and Norfolk shall be transferred to the clerk. 1973, c. 155, s. 4, *part*.

Assets and
liabilities,
etc.

123.—(1) Except as provided in this Act, the Municipal Board, upon the application of any area municipality or the Regional Corporation, may exercise any of the powers under clauses 14(11)(a), (b) and (d) of the *Municipal Act* in relation to the dissolution of the counties of Haldimand and Norfolk.

Powers of
Municipal
Board

R.S.O. 1980,
c. 302

(2) In the event of any doubt as to whether any particular asset or liability is vested in the Regional

Settling
of doubts

R.S.O. 1980,
c. 347

Corporation under this Act, the Municipal Board upon application has power to determine the matter as sole arbitrator and sections 94 and 95 of the *Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such power.

Idem

(3) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of any asset assumed by or vested in the Regional Corporation under this Act, the Municipal Board may upon application determine the matter and its decision is final. 1973, c. 155, s. 4, *part*.

Conditional
powers

124. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are considered necessary or advisable to carry out effectively the purposes of this Act. 1973, c. 155, s. 4, *part*.

Conflict
with other
Acts

125.—(1) The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails.

Special
legislation

(2) The provisions of any special Act relating to the counties of Haldimand and Norfolk or a local board thereof or to any local municipality or local board thereof within the Regional Area, in so far as the provisions of such special Act are not in conflict with the provisions of this Act, continue in force, and the powers conferred by any such special Act may be exercised by the Regional Corporation or a local board thereof or by the corporation of the appropriate area municipality or a local board thereof according to whether the powers conferred by such special Act relate to a function assigned under this Act to the Regional Corporation or a local board thereof or to the area municipalities or local boards thereof. 1973, c. 155, s. 4, *part*.

Municipal
buildings

126.—(1) The Regional Corporation or an area municipality or the Regional Corporation and one or more area municipalities,

(a) may acquire land for the purpose of constructing municipal buildings; and

(b) may construct municipal buildings for the use of the Regional Corporation or the Regional Corporation and one or more area municipalities or any local board thereof.

(2) Section 125 of the *Municipal Act* applies with necessary modifications to any joint undertaking under this section. 1973, c. 155, s. 4, *part*. Application of R.S.O. 1980, c. 302, s. 125

127.—(1) In this section, “waste” includes ashes, garbage, refuse, domestic waste, industrial solid waste or municipal refuse, and such other waste as may be designated by by-law of the Regional Council. Interpretation

(2) On and after the 1st day of April, 1974, the Regional Corporation shall provide facilities for the purpose of receiving, dumping and disposing of waste, and no area municipality shall provide such facilities. 1973, c. 155, s. 4, *part*. Receiving and disposing of waste by Regional Corporation

(3) For the purposes of subsection (2), the Regional Corporation may acquire and use land within the Regional Area and may erect, maintain and operate all facilities including buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person including Her Majesty in right of Ontario, for such purposes, and may prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon such land, and may prescribe rates or charges for the use of such property, which rates or charges may relate to the volume, weight, or class of waste, or otherwise as the Regional Council considers appropriate in the circumstances, and all such existing facilities and lands of a local municipality to the extent they are used for such purposes vest in the Regional Corporation on the 1st day of April, 1974, without compensation. 1973, c. 155, s. 4, *part*; 1974, c. 117, s. 59. Waste disposal sites

(4) The Regional Corporation shall pay to the corporation of any area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection (3). 1973, c. 155, s. 4, *part*. Payments of principal and interest to area municipalities

(5) If the Regional Corporation fails on or before the due date to make any payment required by subsection (4), the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 137. Default

(6) For the purposes of subsection (3), paragraph 84 of section 210 of the *Municipal Act* applies with necessary modifications. 1973, c. 155, s. 4, *part*. Application of R.S.O. 1980, c. 302, s. 210, par. 84

Agreement
successor
rights

128. Where any agreement has been entered into by a local municipality, providing the terms thereof are not inconsistent with the provisions of this Act, the Regional Corporation or the appropriate area municipality shall, on and after the 1st day of April, 1974, be deemed to stand in the place and stead of such local municipality in so far as the agreement pertains to the functions of the Regional Corporation or area municipality. 1973, c. 155, s. 4, *part.*

Regional
Fire
Co-ordinator

129. The Regional Corporation shall appoint a Regional Fire Co-ordinator who shall be responsible for the establishment of an emergency fire service plan and program for the Regional Area, and the Regional Corporation is authorized to expend such sums as it considers necessary to implement such plan and program. 1973, c. 155, s. 4, *part.*

Existing
speed limits
continued

R.S.O. 1980,
c. 198

130.—(1) Notwithstanding the other provisions of this Act but subject to subsections (2) and (3), for the purposes of section 109 of the *Highway Traffic Act* the area in the Regional Area that, on the 31st day of March, 1974, formed part of a town, village or township municipality shall be considered to continue to form part of a town, village or township municipality.

By-laws of
Regional
Council and
area councils

(2) Notwithstanding subsection (1), the Regional Council and the council of each area municipality may exercise any of its powers under section 109 of the *Highway Traffic Act* in respect of highways under its jurisdiction and control.

Existing
speed limits
continued

(3) Every by-law passed by the council of a municipality under any provision of section 109 of the *Highway Traffic Act* that applied, on the 31st day of March, 1974, to any highway or portion thereof within the Regional Area shall continue to apply thereto until a by-law passed by the Regional Council or the council of an area municipality under such section 109 applies thereto. 1973, c. 155, s. 4, *part.*

Application of
R.S.O. 1980,
c. 384, s. 107

131.—(1) On and after the 1st day of April, 1974, no area municipality shall be required to comply with section 107 of the *Power Corporation Act*. 1973, c. 155, s. 4, *part.*; 1973, c. 57, s. 19.

Distribution
of electrical
power

(2) Where, on the 31st day of March, 1974, Ontario Hydro or a public utilities commission or a hydro-electric commission is supplying electrical power and energy in any area within the Regional Area, such commission shall continue, until a date to be determined by the Minister, to distribute and sell power

within such area and such commission shall be deemed to be a local board of the area municipality in which it has jurisdiction. 1973, c. 155, s. 4, *part*; 1973, c. 57, s. 19.

(3) The members of a public utilities commission or a hydro-electric commission referred to in subsection (2), including *ex officio* members, who hold office on the 17th day of December, 1973, shall continue to hold office until a date to be determined by the Minister and, in addition to such members, the mayor elected for the area municipality in which such a commission operates and of which such commission becomes a local board shall also be a member of such commission.

Members of
commission
continue
in office

(4) All public utilities commissions and waterworks commissions within the Regional Area, except those referred to in subsection (2), are dissolved on the 1st day of April, 1974.

Commissions
dissolved

(5) A person who is a member of a commission referred to in this section is not disqualified to be elected a member of the Regional Council or the council of an area municipality or to sit or vote therein by reason of being a member of such commission. 1973, c. 155, s. 4, *part*.

Members of
commission
not dis-
qualified as
members of
councils

(6) The members of the council of the Village of Jarvis, as it exists on the 31st day of March, 1974, shall, until such date as the Minister may by order designate, be deemed to be a commission established under Part III of the *Public Utilities Act* for the Village of Jarvis Hydro-Electric System to be known as The Hydro-Electric Commission of the Village of Jarvis, which shall be deemed to be a local board of the area municipality of the City of Nanticoke, and all rights and obligations of the Village of Jarvis in relation to the Village of Jarvis Hydro-Electric System become rights and obligations of The Hydro-Electric Commission of the Village of Jarvis. 1974, c. 10, s. 3.

Jarvis Village
council to be
deemed
Hydro-
Electric
Commission
R.S.O. 1980,
c. 423

132.—(1) On the 31st day of March, 1974, all community centre boards and all boards of recreation and park management in a local municipality are dissolved and the assets and liabilities thereof, subject to section 92, of *The Regional Municipality of Haldimand-Norfolk Act*, 1973, being chapter 96, vest on the 1st day of April, 1974, in the area municipality of which the local municipality forms part.

Dissolution
of boards

(2) The council of an area municipality shall be deemed to be a recreation committee under the *Ministry of Culture and Recreation Act* and the regulations thereunder and a board of a community recreation centre under the *Community Recreation Centres Act*. 1973, c. 155, s. 4, *part*.

Recreation
and parks
management
board
R.S.O. 1980,
cc. 276, 80

Acquiring
land for
parks, etc.

133.—(1) The Regional Council may pass by-laws for acquiring land for and establishing, laying out and improving and maintaining public parks, zoological gardens, recreation areas, squares, avenues, boulevards and drives in the Regional Area and for exercising all or any of the powers that are conferred on boards of park management by the *Public Parks Act*.

R.S.O. 1980,
c. 417

Sale of
spirituous,
etc., liquors
in parks

(2) In addition to the powers that may be exercised under subsection (1), the Regional Council has power to let from year to year, or for any time not exceeding ten years, the right to sell, subject to the *Liquor Licence Act*, and the regulations made thereunder, spirituous, fermented or intoxicating liquors within regional parks under such regulations as the Regional Council may prescribe.

R.S.O. 1980,
c. 244

Application of
R.S.O. 1980,
c. 302

(3) Paragraph 53 of section 208 of the *Municipal Act* applies with necessary modifications to the Regional Corporation.

Regional
Corporation a
municipality
under

R.S.O. 1980,
cc. 367, 276,
80

(4) The Regional Corporation shall be deemed to be a municipality for the purposes of the *Parks Assistance Act* and the Regional Council shall be deemed to be a recreation committee for the purposes of the *Ministry of Culture and Recreation Act* and a board of a community recreation centre for the purposes of the *Community Recreation Centres Act*.

Public lands
owned by
conservation
authority

(5) Where, under an agreement with any conservation authority, lands vested in the conservation authority are managed and controlled by the Regional Corporation, the Regional Corporation may,

(a) exercise all or any of the powers conferred on it under subsection (1) in respect of such lands;

(b) lay out, construct and maintain roads on such lands and, with the consent of the area municipality in which such lands, or any part thereof, are situate, assume the maintenance of existing roads on such lands, or any part thereof; and

R.S.O. 1980,
c. 198

(c) subject to the *Highway Traffic Act*, regulate traffic on such roads and prescribe the rate of speed for motor vehicles driven on such roads in accordance with subsection 109 (3) of the *Highway Traffic Act*.

Payment in
lieu of
taxes

(6) The Regional Council may agree to pay annually to the area municipality in which any land used for the purposes set out in subsection (1) is situate a sum not exceeding the amount that would have been payable to

the municipality as taxes if the land were not exempt from taxation. 1973, c. 155, s. 4, *part*.

134. The Haldimand County Museum and the Wilson MacDonald Memorial School Museum together with the assets and liabilities thereof vest, on the 1st day of April, 1974, in the Regional Corporation. 1973, c. 155, s. 4, *part*. County museum, etc., vested in Regional Corporation

135. Notwithstanding the provisions of the *Public Libraries Act*, the Minister may by order provide for the establishment of a public library board in any area municipality and for the transfer of any assets and liabilities of any former public library board to such new board. 1973, c. 155, s. 4, *part*. Public library boards R.S.O. 1980, c. 414

136.—(1) For the purposes of sections 45 and 46 of the *Ontario Water Resources Act*, the Regional Corporation shall be deemed to be a county and the area municipalities shall be deemed to be the local municipalities that form part of the county for municipal purposes and, for the purposes of sections 44 and 47 of the said Act, the Regional Corporation shall be deemed to be a municipality. Application of R.S.O. 1980, c. 361

(2) Paragraph 81 of section 210 of the *Municipal Act* applies with necessary modifications to the Regional Corporation. 1973, c. 155, s. 4, *part*. Application of R.S.O. 1980, c. 302

FORM 1

(Section 9 (4))

OATH OF ALLEGIANCE

I,
having been elected (*or appointed*) as chairman of the council of The
Regional Municipality of Haldimand-Norfolk, do swear that I will be faithful
and bear true allegiance to Her Majesty Queen Elizabeth II (or the reigning
sovereign for the time being).

Sworn before me, etc.

1973, c. 96, Form 1.

FORM 2

(Section 9 (4))

DECLARATION OF QUALIFICATION BY CHAIRMAN

I,
having been elected (*or appointed*) as chairman of the council of The
Regional Municipality of Haldimand-Norfolk declare that:

1. I am a British subject and am not a citizen or a subject of any
foreign country.
2. I am of the full age of eighteen years.
3. I am not an officer, employee or servant of any area municipality
or local board of any area municipality.
4. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to
be true and knowing that it is of the same force and effect as if made under
oath.

Declared before me, etc.

1973, c. 96, Form 2.

CHAPTER 436

Regional Municipality of Halton Act

INTERPRETATION

1. In this Act,

Interpre-
tation

- (a) “area municipality” means the municipality or corporation of the City of Burlington, the Town of Oakville, the Town of Milton and the Town of Halton Hills, all as constituted by section 2;
- (b) “bridge” means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) “chairman” means the chairman of the Regional Council;
- (d) “debt” includes any obligation for the payment of money;
- (e) “divided municipality” means a local municipality parts of which are annexed to two or more municipalities under subsection 2 (1);
- (f) “highway” and “road” mean a common and public highway or any part thereof, and include a street, bridge, and any other structure incidental thereto or any part thereof;
- (g) “land” includes lands, tenements and hereditaments and any estate or interest therein, and any right or easement affecting them, and land covered with water, and includes any buildings or improvements on land;
- (h) “local board” means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the Regional Corporation or of an

area municipality or of two or more area municipalities or parts thereof;

- (i) "local municipality" means in the year 1973 any local municipality or portion thereof in the Regional Area;
- (j) "merged area" means a local municipality that is amalgamated with another local municipality or a part of a local municipality that is annexed to a local municipality to constitute an area municipality or a portion of a local municipality constituted as an area municipality under subsection 2 (1) or the local municipality to which such part is annexed;
- (k) "Minister" means the Minister of Intergovernmental Affairs;
- (l) "Ministry" means the Ministry of Intergovernmental Affairs;
- (m) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money, other than a by-law passed under section 97;
- (n) "Municipal Board" means the Ontario Municipal Board;
- (o) "Regional Area",
 - (i) until the 1st day of January, 1974, means the area included within the County of Halton excluding that portion of the Town of Oakville included in the area municipality of the City of Mississauga as defined in clause 2 (1) (a) of *The Regional Municipality of Peel Act, 1973*, and excluding that portion of the Township of Nassagaweya excluded from the said Township under clause 2 (1) (c), and
 - (ii) on and after the 1st day of January, 1974, means the area from time to time included within the area municipalities;
- (p) "Regional Corporation" means The Regional Municipality of Halton;
- (q) "Regional Council" means the council of the Regional Corporation;

- (r) "regional road" means a road forming part of the regional road system established under Part III;
- (s) "roadway" means that part of the highway designed or intended for use by vehicular traffic. 1973, c. 70, s. 1.

PART I

AREA MUNICIPALITIES

2.—(1) On the 1st day of January, 1974,

Constitution
of area
municipalities

- (a) The portion of the Town of Burlington described as follows is incorporated as a city municipality successor to The Corporation of the Town of Burlington bearing the name of The Corporation of the City of Burlington:

COMMENCING where the west limit of the present Town of Burlington intersects the high-water mark of Hamilton Harbour;

THENCE northerly, easterly and northerly along that limit to the centre-line of No. 10 Side Road;

THENCE easterly along that centre-line to the centre-line of the road known as Bell School Line;

THENCE southerly along that centre-line to the centre-line of No. 2 Side Road;

THENCE easterly along that centre-line to the line between Lots 3 and 4, Concession II North of Dundas Street;

THENCE southerly along that line to the centre-line of No. 1 Side Road;

THENCE easterly along that centre-line to the east limit of the present Town of Burlington;

THENCE southerly along that limit to the high-water mark of Lake Ontario;

THENCE southerly and westerly in accordance with the Township limits in Lake Ontario established by subsection 8 (2) of *The Territorial Division Act*, being chapter 458 of the Revised Statutes of Ontario, 1970;

THENCE through the Burlington Canal;

THENCE northerly and westerly along the present shore line boundary of the Town of Burlington to the point of commencement.

- (b) The portion of the Town of Oakville, described as follows is continued as a town municipality:

COMMENCING where the west limit of the present Town of Oakville intersects the high-water mark of Lake Ontario;

THENCE northerly along that limit to the centre-line of Burnhamthorpe Road;

THENCE easterly along that centre-line to the centre-line of the King's Highway No. 25;

THENCE generally northerly along that centre-line to the centre-line of the Base Line Road;

THENCE easterly along that centre-line to the centre-line of the Fourth Line Road;

THENCE southeasterly along that centre-line to the line between the north and south halves of Concession II, North of Dundas Street;

THENCE easterly along that line to the east limit of the Ninth Line Road;

THENCE southerly along that limit to the centre-line of the King's Highway No. 5;

THENCE easterly along that centre-line to the east limit of the present Town of Oakville;

THENCE southerly along that limit to the highwater mark of Lake Ontario;

THENCE southerly, westerly and northerly to the place of commencement, all in accordance with the limits described in subsection 8 (2) of *The Territorial Division Act*.

R.S.O. 1970,
c. 458

- (c) The Town of Milton is continued as a town municipality bearing the name of The Corporation of the Town of Milton and those portions of the Township of Nassagaweya, the Township of Esquesing, the Town of Oakville, and the Town of Burlington, described as follows, are annexed to such Town:

FIRSTLY. Part of the Township of Nassagaweya, commencing where the north limit of the Township

of Nassagaweya intersects the east limit of the Police Village of Eden Mills being the line between the east and west halves of Lot 32, Concession III;

THENCE easterly, southerly, westerly and northerly along the north, east, south and west limits of the Township of Nassagaweya to the north limit of the said Township;

THENCE easterly along the north limit to the west limit of Lot 32, Concession II;

THENCE southerly along that limit to the south limit of said Lot 32;

THENCE easterly along that limit and the south limit of Lot 32, Concession III to the line between the east and west halves of Lot 32, Concession III;

THENCE northerly along that line to the place of commencement.

SECONDLY. Part of the Township of Esquesing, commencing where the south limit of the Township of Esquesing intersects the west limit of the present Town of Milton;

THENCE westerly along that south limit to the west limit of the Township of Esquesing;

THENCE north along that limit to the centre-line of Campbellville Road;

THENCE easterly along that centre-line to the line between the east and west halves of Concession V of the said Township;

THENCE southerly along that line to the south limit of the Township of Esquesing;

THENCE westerly along that limit to the easterly limit of the Town of Milton;

THENCE northwesterly and southerly along the limits of the Town of Milton to the place of commencement.

THIRDLY. Part of the Town of Oakville, commencing where the north limit of the present Town of Oakville intersects the east limit of the present Town of Milton;

THENCE easterly along that north limit of the Town of Oakville to the centre-line of the Fourth Line Road;

THENCE southerly along that centre-line to the centre-line median of the Macdonald-Cartier Freeway;

THENCE easterly along that centre-line to the east limit of the Ninth Line Road;

THENCE southerly along that limit to the line between the north and south halves of Concession II, North of Dundas Street;

THENCE westerly along that line to the centre-line of the Fourth Line Road;

THENCE northwesterly along that centre-line to the centre-line of the Base Line Road;

THENCE westerly along that centre-line to the centre-line of the King's Highway No. 25;

THENCE generally southerly along that centre-line to the centre-line of Burnhamthorpe Road;

THENCE westerly along that centre-line to the west limit of the present Town of Oakville;

THENCE northerly along that limit to the north limit of the said Town;

THENCE easterly along that limit to the west limit of the present Town of Milton;

THENCE southerly, easterly and northerly along the limits of the said Town to the place of commencement.

FOURTHLY. Part of the Town of Burlington, commencing where the west limit of the present Town of Burlington intersects the centre-line of No. 10 Side Road;

THENCE northerly, easterly and southerly along the west, north and east limits of the said Town to centre-line of Burnhamthorpe Road;

THENCE westerly along that centre-line to the line between Lots 3 and 4, Concession II, North of Dundas Street;

THENCE northerly along that line to the centre-line of No. 2 Side Road;

THENCE westerly along that centre-line to the centre-line of the road known as Bell School Line;

THENCE northerly along that centre-line to the centre-line of No. 10 Side Road;

THENCE westerly along that centre-line to the place of commencement.

- (d) The Town of Acton and the Town of Georgetown are amalgamated as a town municipality bearing the name of The Corporation of the Town of Halton Hills and those portions of the Township of Esquesing and the Town of Oakville, described as follows, are annexed to such Town:

FIRSTLY. Part of the Township of Esquesing, commencing where the west limit of the Township of Esquesing intersects the centre-line of Campbellville Road;

THENCE northerly, easterly, southerly and westerly along the west, north, east and south limit of said Township to the southerly prolongation of the line between the east and west halves of Concession V of the said Township;

THENCE northerly along that line to the centre-line of Campbellville Road;

THENCE westerly along that centre-line to the place of commencement;

SAVING AND EXCEPTING the Town of Acton and the Town of Georgetown.

SECONDLY. Part of the Town of Oakville, commencing where the north limit of the present Town of Oakville intersects the centre-line of Fourth Line Road;

THENCE easterly and southerly along the north and east limits of the Town of Oakville to the centre-line median of the Macdonald-Cartier Freeway;

THENCE generally westerly along that centre-line to the centre-line of Fourth Line Road;

THENCE northerly along that centre-line to the place of commencement. 1973, c. 70, s. 2 (1); 1976, c. 43, s. 72.

Portion of
Nassagaweya
annexed to
Eramosa

(2) That portion of the Township of Nassagaweya excluded from the said township under clause (1)(c) is annexed to the Township of Eramosa on the 1st day of January, 1974. 1973, c. 162, s. 1.

Part of
Hamilton
annexed to
Burlington

(3) That portion of the City of Hamilton described as follows is annexed to the City of Burlington:

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Hamilton, and being more particularly described as follows:

COMMENCING at the intersection of the northerly limit of the City of Hamilton and the southeasterly prolongation of the centre line of the unopened road allowance between the Town of Burlington and the Township of West Flamborough;

THENCE southeasterly along the prolongation of the said centre line of unopened road allowance 102 metres more or less to the centre line of the right of way of the Canadian National Railways;

THENCE continuing along the said unopened road allowance 50 metres more or less to a point on the high water mark of Hamilton Harbour, the said point being a point on the boundary of the City of Hamilton;

THENCE northerly and northwesterly along the northerly limit of the City of Hamilton to the point of commencement.

Part of
Flamborough
annexed to
Burlington

(4) That portion of the Township of West Flamborough described as follows is annexed to the City of Burlington:

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the Township of West Flamborough (formerly in the County of Wentworth), and being more particularly described as follows:

COMMENCING at the intersection of the southerly limit of Spring Gardens Road and the southeasterly angle of Part 2 as shown on a Plan deposited in the Land Registry Office for the Registry Division of Halton (No. 20) as Number 20R-4196 and in the Land Registry Office for the Registry Division of Wentworth (No. 62) as Number 62R-4732;

THENCE westerly and northerly along the southerly and westerly limit of Spring Gardens Road as shown on the said Plan to the westerly angle of the said Part 2;

THENCE North 72 degrees 06' 30" West 85 metres to a point;

THENCE North 17 degrees 53' 30" East 20 metres to a point;

THENCE North 72 degrees 06' 30" West to a point on the westerly high water mark of Hamilton Harbour the said point being on an easterly boundary of the City of Hamilton;

THENCE northerly along the said easterly boundary of the City of Hamilton to the intersection of the north-westerly prolongation of the northeasterly limit of Part 1 as shown on the said Plan numbered 20R-4196 and 62R-4732;

THENCE southeasterly to and along the northeasterly limit of the said Part 1 and Part 2 to the point of commencement. 1980, c. 33, s. 19.

(5) The police village of Campbellville is dissolved on the 1st day of January, 1974.

Dissolution
of police
village

(6) For the purposes of every Act, the amalgamations, annexations and dissolutions provided for in this Part shall be deemed to have been effected by order of the Municipal Board not subject to section 42 of the *Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the 22nd day of June, 1973, pursuant to applications made under sections 14 and 25 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, and, subject to the provisions of this Act, the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations, annexations and dissolutions, and sections 94 and 95 of the *Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers and "municipalities" in clause 14 (11) (a) of the *Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed. 1973, c. 70, s. 2 (2, 3).

Amalgama-
tions,
annexations
and dissolu-
tions deemed
by Municipal
Board
orders
R.S.O. 1980,
c. 347

R.S.O. 1980,
c. 302

3.—(1) The council of each area municipality shall be composed of a mayor, who shall be elected by a general vote of the electors of the area municipality and shall be the head of the council, and the following number of other members of council:

Composition
of area
municipal
councils

1. The City of Burlington—sixteen members elected by wards.
2. The Town of Oakville—twelve members elected by wards.
3. The Town of Milton—ten members elected by wards.
4. The Town of Halton Hills—twelve members elected by wards. 1973, c. 70, s. 3 (1).

Alteration
of wards,
etc., by
O.M.B.

R.S.O. 1980,
c. 302

(2) Upon the application of an area municipality authorized by a by-law of the council thereof, or upon the petition of electors in accordance with the provisions of section 13 of the *Municipal Act*, the Municipal Board may, by order,

- (a) divide or redive the area municipality into wards, and shall designate the name or number each ward shall bear and shall declare the date when the division or redivision shall take effect;
- (b) alter or dissolve any or all of the wards in the area municipality and shall declare the date when such alterations or dissolutions shall take effect; or
- (c) vary the composition of the council of the area municipality,

provided that,

- (d) no order made under this section shall alter the total number of members who represent the area municipality on the Regional Council as provided for in this Act; and
- (e) the mayor of the area municipality shall continue to be elected by a general vote of the electors of the area municipality, and shall be the head of council of the area municipality, and shall be a member of the Regional Council, as provided for in this Act. 1976, c. 43, s. 73.

Order of
L. G. in C.

(3) Notwithstanding section 7, the Lieutenant Governor in Council, upon the recommendation of the Minister, may by order authorize such method of selecting the members who represent the area municipality on the Regional Council as is considered advisable following an order of the Municipal Board under subsection (2). 1977, c. 34, s. 32.

Stay of
proceedings
pending
completion
of inquiry

(4) Where the Minister is inquiring into the structure, organization and methods of operation of one or more area municipi-

palities or the Regional Corporation, he may give notice to the Municipal Board of such inquiry and that in his opinion any application or applications and any petition or petitions made under subsection (2) should be deferred until the inquiry has been completed and considered, and thereupon all proceedings in any such application are stayed until he gives notice to the Municipal Board that they may be continued. 1979, c. 81, s. 89.

(5) In the event that any person elected to any municipal office in the Regional Area cannot for any reason take office, a vacancy shall be deemed to have occurred in such office and sections 45 and 46 of the *Municipal Act* apply with necessary modifications. 1973, c. 162, s. 2.

Failure to
take office

R.S.O. 1980,
c. 302

4. No area municipality shall have a Board of Control. 1973, c. 70, s. 5.

No Board
of Control

PART II

INCORPORATION AND ESTABLISHMENT OF THE REGIONAL COUNCIL

5.—(1) The inhabitants of the Regional Area are continued as a body corporate under the name of "The Regional Municipality of Halton".

Regional
Corporation
continued

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of the *Municipal Affairs Act* and the *Ontario Municipal Board Act*. 1973, c. 70, s. 6 (1, 2), revised.

Deemed
municipality
under R.S.O.
1980, cc. 303,
347

(3) The Regional Area shall for all judicial purposes be deemed to be a county and be known as the Judicial District of Halton. 1973, c. 70, s. 6 (3), revised.

Regional
Area
deemed
judicial
district

(4) Nothing in this Act shall be deemed to alter the boundaries of any registry or land titles division.

Registry
boundaries

(5) Every person who held an office or appointment under any Act on the 31st day of December, 1973, in and for the County of Halton shall be deemed, so long as he continues to hold such office or appointment, to hold such office or appointment on and after the 1st day of January, 1974, in and for the Judicial District of Halton. 1973, c. 70, s. 6 (4, 5).

Appoint-
ments for
County of
Halton
deemed
appointments
for Judicial
District
of Halton

6.—(1) The powers of the Regional Corporation shall be exercised by the Regional Council and, except where otherwise provided, the jurisdiction of the Regional Council is confined to the Regional Area.

Regional
Council to
exercise
corporate
powers

Powers
exercised
by by-law

(2) Except where otherwise provided, the powers of the Regional Council shall be exercised by by-law.

Not to be
quashed as
unreasonable

(3) A by-law passed by the Regional Council in the exercise of any of its powers and in good faith shall not be open to question, or be quashed, set aside or declared invalid either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them. 1973, c. 70, s. 7.

Composition
of Regional
Council

7. The Regional Council shall consist of twenty-five members composed of a chairman and,

- (a) the mayor of each area municipality;
- (b) eight members of council from the City of Burlington, elected by wards as members of the Regional Council and the council of such area municipality;
- (c) six members of council from the Town of Oakville, elected by wards as members of the Regional Council and the council of such area municipality;
- (d) two members of council from the Town of Milton, elected by wards as members of the Regional Council and the council of such area municipality;
- (e) four members of council from the Town of Halton Hills, elected by wards as members of the Regional Council and the council of such area municipality. 1973, c. 70, s. 8 (1).

Election of
chairman

8.—(1) At the first meeting of the Regional Council after a regular election at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for the term of the council and until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected. 1978, c. 33, s. 80 (1).

Where
chairman
member of
area council

(2) Where a member of the council of an area municipality becomes chairman, he shall be deemed to have resigned as a member of such council, and his seat on such council thereby becomes vacant. 1973, c. 70, s. 9 (3).

Failure
to elect
chairman

(3) If, at the first meeting of the Regional Council after a regular election a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held

within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for the term of the council and until his successor is elected or appointed in accordance with this Act. 1978, c. 33, s. 80 (2).

9.—(1) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality after a regular election shall be held not later than the seventh day following the day on which the term of office in respect of which the election was held commences.

First
meeting
of area
councils

(2) The first meeting of the Regional Council after a regular election shall be held after the councils of the area municipalities have held their first meetings under subsection (1), but in any event not later than the fourteenth day following the day on which the term of office in respect of which the election was held commences, on such date and at such time and place as may be fixed by by-law of the Regional Council. 1978, c. 33, s. 81.

First
meeting of
Regional
Council

(3) A person entitled to be a member of the Regional Council in accordance with section 7, other than the mayor of each area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council that he attends a certificate under the hand of the clerk of the area municipality that he represents, and under the seal of such area municipality certifying that he is entitled to be a member under such section. 1973, c. 70, s. 10 (4).

Certificate
of
qualification

(4) The chairman, before taking his seat, shall take an oath of allegiance in Form 1 and a declaration of qualification in Form 2.

Oath of
allegiance
and declara-
tion of
qualification

(5) No business shall be proceeded with at the first meeting of the Regional Council until after the declarations of office in Form 3 of the *Municipal Act* have been made by all members who present themselves for that purpose.

Declaration
of office

R.S.O. 1980,
c. 302

(6) The Regional Council shall be deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in section 10. 1973, c. 70, s. 10 (6-8).

When
Council
deemed
organized

10.—(1) Thirteen members of the Regional Council representing three area municipalities are necessary to form a quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure.

Quorum.
voting

(2) Subject to subsection (3), each member of the Regional Council has one vote only.

One vote

Chairman
vote

(3) The chairman does not have a vote except in the event of an equality of votes. 1973, c. 70, s. 11.

Place of
meeting

11. Subject to section 9, all meetings of the Regional Council shall be held at such place within the Regional Area and at such times as the Regional Council from time to time appoints. 1973, c. 70, s. 12.

Vacancies,
chairman

12.—(1) Where a vacancy occurs in the office of a chairman who has been appointed by the Lieutenant Governor in Council, some person shall be appointed by the Lieutenant Governor in Council to hold office as chairman for the remainder of the term of his predecessor.

Idem

(2) When a vacancy occurs in the office of a chairman who has been elected under subsection 8 (1), the Regional Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman who may be one of the members of the Regional Council, or any other person, to hold office for the remainder of the term of his predecessor.

Idem

(3) If the Regional Council fails to elect a chairman within twenty days as required by subsection (2), the Lieutenant Governor in Council may appoint a person as chairman to hold office for the remainder of the term of his predecessor. 1973, c. 70, s. 13 (1-3).

Other
members

(4) When a vacancy occurs in the office of a member, other than the chairman or the head of the council of an area municipality, the council of the area municipality of which he was a member shall by by-law within sixty days after the vacancy occurs appoint a successor, who may be a member of the council or a person who is eligible to be elected a member of the council, to hold office for the remainder of the term of his predecessor. 1973, c. 70, s. 13 (4); 1976, c. 43, s. 74.

Resignation

(5) Where a member has been elected as a member of the Regional Council, resignation from either the Regional Council or the council of the area municipality shall be deemed to be resignation from both councils.

Where head
of council
incapacitated

(6) In the event that the head of a council of an area municipality is for any reason unable to fulfil his duties as a member of the Regional Council for a period exceeding one month, the council of the area municipality may by by-law appoint one of its members as an alternate representative to the Regional Council who shall act in the place and stead of the head of council during his incapacity, but no such by-law shall have effect for a period longer than one month from its effective date. 1973, c. 70, s. 13 (5, 6).

13. The Regional Council may from time to time ^{Committees} establish such standing or other committees and assign to them such duties as it considers expedient. 1973, c. 70, s. 15 (1).

14. The Regional Council may pass by-laws for governing ^{Procedural by-laws} the proceedings of the Regional Council and any of its committees, the conduct of its members and the calling of meetings. 1973, c. 70, s. 16.

15.—(1) The chairman is the head of the Regional ^{Head of Council} Council and is the chief executive officer of the Regional Corporation.

(2) The Regional Council may by by-law appoint a chief ^{Chief administrative officer} administrative officer, who,

(a) shall have such general control and management of the administration of the government and affairs of the Regional Corporation and perform such duties as the Regional Council by by-law prescribes;

(b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;

(c) shall hold office during the pleasure of the Regional Council; and

(d) shall receive such salary as the Regional Council by by-law determines.

(3) Subsection 99 (2) of the *Municipal Act* applies to a chief ^{Application of R S O 1980, c. 302} administrative officer appointed under subsection (2) of this section. 1973, c. 70, s. 17.

16.—(1) When the chairman is absent or refuses to act, ^{Acting chairman} or his office is vacant, the Regional Council may by resolution appoint one of its members to act in his place and stead and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

(2) The Regional Council may by by-law appoint a member ^{Idem} of the Regional Council to act from time to time in the place and stead of the chairman when the chairman is absent from the Regional Area or absent through illness or his office is vacant and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman. 1974, c. 117, s. 40.

Application of
R.S.O. 1980,
c. 302

17.—(1) Sections 57, 58, 60, 62, 63, 129, 137 to 141, 238, 239, 240 to 244, 247, 248, 249 and 250 of the *Municipal Act* apply with necessary modifications to the Regional Corporation. 1980, c. 33, s. 20.

Idem

(2) Sections 55, 64, 65 and 107 of the *Municipal Act* apply with necessary modifications to the Regional Council and to every local board of the Regional Corporation. 1973, c. 70, s. 19 (2).

Appoint-
ment of
clerk

18.—(1) The Regional Council shall appoint a clerk, whose duty it is,

- (a) to record truly without note or comment, all resolutions, decisions and other proceedings of the Regional Council;
- (b) if required by any member present, to record the name and vote of every member voting on any matter or question;
- (c) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the Regional Council and its committees; and
- (d) to perform such other duties as may be assigned to him by the Regional Council.

Deputy
clerk

(2) The Regional Council may appoint a deputy clerk who shall have all the powers and duties of the clerk.

Acting
clerk

(3) When the office of clerk is vacant or the clerk is unable to carry on his duties through illness or otherwise, the Regional Council may appoint an acting clerk *pro tempore* who shall have all the powers and duties of the clerk. 1973, c. 70, s. 20 (1-3).

Minutes
open to
inspection

19.—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents in the possession or under the control of the clerk, except interdepartmental correspondence and reports of officials of any department or of solicitors for the Regional Corporation made to the Regional Council or any of its committees, and the clerk within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the Regional Corporation to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix.

Index of
by-laws
affecting
land

(2) The clerk shall keep an index book in which he shall enter the number and date of all by-laws passed by the

Regional Council that affect land or the use thereof in the Regional Area but do not directly affect the title to land.

(3) A copy of any record, book or document in the possession or under the control of the clerk, purporting to be certified under his hand and the seal of the Regional Corporation, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs. 1973, c. 70, s. 21.

Copies
certified
by clerk
to be
receivable
in evidence

20.—(1) The Regional Council shall appoint a treasurer who shall keep the books, records and accounts, and prepare the annual financial statements of the Regional Corporation and preserve and file all accounts of the Regional Corporation and shall perform such other duties as may be assigned to him by the Regional Council.

Appoint-
ment of
treasurer

(2) The Regional Council may appoint a deputy treasurer who shall have all the powers and duties of the treasurer.

Deputy
treasurer

(3) When the office of treasurer is vacant or the treasurer is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting treasurer *pro tempore* who shall have all the powers and duties of the treasurer. 1973, c. 70, s. 22.

Acting
treasurer

21.—(1) The treasurer shall receive and safely keep all money of the Regional Corporation and shall pay out money to such persons and in such manner as the law in force in Ontario and the by-laws or resolutions of the Regional Council direct, provided that every cheque issued by the treasurer shall be signed by the treasurer and by some other person or persons designated for the purpose by by-law or resolution of the Regional Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized.

Receipt
and disburse-
ment of
money

(2) Notwithstanding subsection (1), the Regional Council may by by-law,

Signing
of cheques

- (a) designate one or more persons to sign cheques in lieu of the treasurer; and
- (b) provide that the signature of the treasurer and of any other person authorized to sign cheques may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

Petty cash
fund

(3) The Regional Council may by by-law provide that the treasurer may establish and maintain a petty cash fund of an amount of money sufficient to make change and pay small accounts, subject to such terms and conditions as the by-law may provide.

When
member may
be paid

(4) Except where otherwise expressly provided by this Act, a member of the Regional Council shall not receive any money from the treasurer for any work or service performed or to be performed but nothing in this subsection prevents the payment of any moneys under any contract in respect of which the member has complied with the *Municipal Conflict of Interest Act*.

R.S.O. 1980,
c. 305

Treasurer's
liability
limited

(5) The treasurer is not liable for money paid by him in accordance with a by-law or resolution of the Regional Council, unless another disposition of it is expressly provided for by statute. 1973, c. 70, s. 23.

Bank
accounts

22. Subject to subsection 21 (3), the treasurer shall,

- (a) open an account or accounts in the name of the Regional Corporation in such of the chartered banks of Canada or at such other place of deposit as may be approved by the Regional Council;
- (b) deposit all money received by him on account of the Regional Corporation, and no other money, to the credit of such account or accounts, and no other account; and
- (c) keep the money of the Regional Corporation entirely separate from his own money and from that of any other person,

and notwithstanding subsection 21 (1), the Regional Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the treasurer vary from such provisions. 1973, c. 70, s. 24.

Monthly
statement

23.—(1) The treasurer shall prepare and submit to the Regional Council, monthly, a statement of the money at the credit of the Regional Corporation.

Notice to
sureties

(2) Where the treasurer is removed from office or absconds, the Regional Council shall forthwith give notice to his sureties. 1973, c. 70, s. 25.

Appoint-
ment of
auditors

24.—(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the

Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause by the Regional Council, and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation, except school boards. 1977, c. 34, s. 33.

(2) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the Regional Corporation and charged back to the local board, and, in the event of a dispute as to the amount of the cost, the Ministry may upon application finally determine the amount thereof. 1973, c. 70, s. 26 (2). ^{Cost of audit}

(3) No person shall be appointed as an auditor of the Regional Corporation who is or during the preceding year was a member of the Regional Council or of the council of an area municipality or of any local board, the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the Regional Corporation or an area municipality or any such local board, or any employment with any of them other than for services within his professional capacity. 1973, c. 70, s. 26 (3); 1976, c. 43, s. 75. ^{Disqualification of auditors}

(4) An auditor shall perform such duties as are prescribed by the Ministry and also such duties as may be required by the Regional Council or any local board of the Regional Corporation that do not conflict with the duties prescribed by the Ministry. 1973, c. 70, s. 26 (4). ^{Duties of auditors}

25.—(1) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Halton or a local board thereof, the Regional Corporation or a local board thereof shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the 22nd day of June, 1973 in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the Regional Corporation or local board thereof and such employee shall have uninterrupted membership or entitlement to membership, as the case may be, in the Ontario Municipal Employees Retirement System. ^{Pensions}

(2) Where the Regional Corporation or a local board thereof is required to employ a person theretofore employed by a local municipality or a local board thereof within the ^{Idem}

Regional Area, the employee shall be deemed to remain an employee of the local municipality or local board thereof for the purposes of his entitlement under any approved pension plan or supplementary plan.

Sick leave
credits

(3) Where the Regional Corporation or a local board thereof is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Halton or a local board thereof, the employee shall be deemed to remain an employee of the municipality or local board thereof until the Regional Corporation or local board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the Regional Corporation whereupon the Regional Corporation or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the municipality or local board thereof.

Holidays

(4) Where the Regional Corporation or a local board thereof is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Halton or a local board thereof the Regional Corporation or local board thereof, shall during the first year of his employment by the Regional Corporation or local board thereof, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the municipality or local board thereof.

Offer of
employment

(5) The Regional Council shall offer to employ every person who, on the 1st day of April, 1973, is employed by the County of Halton or by any local board thereof or in any undertaking of, or operated on behalf of, any local municipality or local board that is assumed by the Regional Corporation under this Act and who continues to be so employed until the 31st day of December, 1973. 1973, c. 70, s. 27 (1-5).

Application of
R.S.O. 1980,
c. 348

(6) The Regional Corporation shall be deemed to be a municipality for the purposes of the *Ontario Municipal Employees Retirement System Act*.

Offer of
employment

(7) The employees of the local municipalities and the local boards thereof within the Regional Area, which are amalgamated or annexed in whole or in part to form an area municipality, who were employed by such a local municipality or local board on the 1st day of April, 1973 and who continue to be so employed until the 31st day of December, 1973, except employees offered employment by the Regional

Council under subsection (5), shall be offered employment by the council of the area municipality with which they are amalgamated or to which they are annexed.

(8) Any sick leave credits standing, on the 31st day of December, 1973, to the credit of any person who accepts employment under subsection (7) shall be placed to the credit of such employee in any sick leave credit plan established by the new employer. ^{Sick leave credits}

(9) Any person who accepts employment under subsection (7) shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the local municipality or local board by which he was formerly employed. ^{Holidays}

(10) Where under the provisions of this section any employee in the opinion of the Minister experiences any difficulty or hardship with regard to the transfer of any pension rights or sick leave credits, the Minister may by order do anything necessary to remedy or alleviate such difficulty or hardship. ^{Pension rights and sick leave credits}

(11) Nothing in this section prevents any employer from terminating the employment of an employee for cause. ^{Termination of employment}
1973, c. 70, s. 27 (7-12).

PART III

REGIONAL ROAD SYSTEM

26. In this Part,

<sup>Interpre-
tation</sup>

- (a) "approved" means approved by the Minister or of a type approved by the Minister;
- (b) "construction" includes reconstruction;
- (c) "maintenance" includes repairs;
- (d) "Minister" means the Minister of Transportation and Communications;
- (e) "Ministry" means the Ministry of Transportation and Communications;
- (f) "road authority" means a body having jurisdiction and control of a highway. 1973, c. 70, s. 28.

27.—(1) On and after the 1st day of January, 1974, all roads on the 31st day of December, 1973, under the jurisdiction and control of the County of Halton shall constitute ^{County roads to constitute regional road system}

the regional road system, except any such roads which on the 1st day of January, 1974, are within the City of Mississauga and constitute part of the regional road system of The Regional Municipality of Peel and any such roads within that portion of the Township of Nassagaweya excluded from the said township under clause 2 (1) (c).

Adding or
removing
roads by
by-law

(2) The Regional Council may by by-law from time to time add roads to or remove roads from the regional road system, including such boundary line roads or portions thereof between the Regional Area and an adjoining county, regional or metropolitan municipality as may be agreed upon between the Regional Council and the council of such adjoining municipality.

Transfer of
provincial
highway to
Regional
Corporation

(3) The Lieutenant Governor in Council may transfer any highway under the jurisdiction and control of the Ministry within the Regional Area to the Regional Corporation and the highway shall for all purposes be deemed to be part of the regional road system on such date as is designated by the Lieutenant Governor in Council and to have been transferred under section 29 of the *Public Transportation and Highway Improvement Act*.

R.S.O. 1980,
c. 421

Vesting of
roads in
regional
road system

(4) Where a road or part thereof forms part of the regional road system, jurisdiction and control and the soil and freehold thereof are vested in the Regional Corporation.

Removal of
roads from
regional
road system

(5) The Lieutenant Governor in Council may remove any road from the regional road system.

Roads
removed
from system

(6) Where a road or a part thereof is removed from the regional road system, except by reason of it being stopped-up pursuant to subsection 37 (1), such road or part is thereupon transferred to and the jurisdiction and control and the soil and freehold thereof is thereupon vested in the area municipality in which it is situate, and the area municipality may sue upon any rights or under any agreements or by-laws in the same manner and to the same extent as the Regional Corporation in respect of such road.

Status
of land
acquired for
widening
regional
road

(7) Notwithstanding subsection (10), where the Regional Corporation acquires land for the purpose of widening a regional road, the land so acquired, to the extent of the designated widening, forms part of the road and is included in the regional road system.

Idem

(8) When land abutting on a regional road is dedicated for, or apparently for, widening the regional road, the land so dedicated is part of the regional road and the jurisdiction

and control and the soil and freehold thereof is vested in the Regional Corporation subject to any rights in the soil reserved by the person who dedicated the land. 1973, c. 70, s. 29 (1-8).

(9) The Regional Council shall, from time to time, pass a by-law consolidating all by-laws relating to the regional road system. 1980, c. 33, s. 21. Consolidating by-law

(10) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant Governor in Council and the Lieutenant Governor in Council may approve the by-law in whole or in part and, where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it shall not be necessary for the Regional Council to pass any further by-law amending the original by-law or repealing any part thereof that has not been approved, and every such by-law as approved is in force and effect after the day named by the Lieutenant Governor in Council. Approval of by-laws

(11) The *Regulations Act* does not apply to an order in council made under this section. 1973, c. 70, s. 29 (10, 11). Application of R.S.O. 1980, c. 446

28. The Regional Council shall adopt a plan of road construction and maintenance, and from time to time thereafter shall adopt such other plans as may be necessary. 1973, c. 70, s. 30. Plans of construction and maintenance

29. Where the Regional Corporation proposes the construction, improvement or alteration of a regional road, it shall furnish the Minister with such detailed information as he may require. 1973, c. 70, s. 31. Furnishing of information to Minister

30. Where a contribution has been made from any source whatsoever towards an expenditure made under the provisions of section 89 of the *Public Transportation and Highway Improvement Act*, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs. 1973, c. 70, s. 32. Contribution towards expenditures R.S.O. 1980, c. 421

31. The roads included in the regional road system shall be maintained and kept in repair by the Regional Corporation. 1973, c. 70, s. 33. Maintenance and repair

32. The Regional Corporation has, in respect of the roads included in the regional road system, all the rights, powers, benefits and advantages conferred, and is subject to all liabilities imposed, either by statute, by-law, contract or Power over roads assumed

otherwise upon The Corporation of the County of Halton or the corporation of the area municipality or the corporations of two or more area municipalities which had jurisdiction over the roads before they became part of the regional road system, and the Regional Corporation may sue upon such rights or under such contracts or by-laws in the same manner and to the same extent as the County of Halton or the area municipality or municipalities, as the case may be, might have done if the roads had not become part of the regional road system. 1973, c. 70, s. 34.

Sidewalks
excepted

33.—(1) The Regional Corporation is not by reason of a road forming part of the regional road system under this Act liable for the construction or maintenance of sidewalks on any road or portion thereof in the regional road system, but the area municipality in which such sidewalks are located continues to be liable for the maintenance of such sidewalks and is responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 284 of the *Municipal Act* in respect of a sidewalk on a road over which a council has jurisdiction.

R.S.O. 1980,
c. 302

Area municipa-
lities may
construct
sidewalks,
etc.

(2) An area municipality may construct a sidewalk or other improvement or service on a regional road, and the Regional Corporation may contribute to the cost of such sidewalk, improvement or service, but no such work shall be undertaken by an area municipality without first obtaining the approval of the Regional Council expressed by resolution.

How cost
provided

(3) The cost of any such sidewalk, improvement or service constructed on a regional road may be met out of the general funds of the area municipality or the work may be undertaken in whole or in part as a local improvement under the *Local Improvement Act*.

R.S.O. 1980,
c. 250

Area municipa-
lity to
conform to
requirements
and be
responsible
for damages

(4) An area municipality when constructing such a sidewalk, improvement or service on a regional road shall conform to any requirements or conditions imposed by the Regional Council and is responsible for any injury or damage arising from the construction or presence of the sidewalk, improvement or service on the road. 1973, c. 70, s. 35.

Installation
of traffic
control
devices

34.—(1) The Regional Corporation may construct, install, maintain or remove any works on a highway, other than a road under the jurisdiction and control of the Ministry, including traffic control devices, for the purpose of altering or regulating the flow of traffic upon entering or leaving a road in the regional road system.

(2) The Regional Corporation may relocate, alter or divert any public road, other than a road under the jurisdiction and control of the Ministry, entering or touching upon or giving access to a road in the regional road system.

Relocation
of intersect-
ing roads

(3) Where, in relocating, altering or diverting a public road under subsection (2), the Regional Corporation constructs a new road in lieu of the public road, the Regional Corporation may close the public road at the point of intersection with the regional road and may, by by-law vest the new road and the soil and freehold and jurisdiction and control thereof in the area municipality in which it is situate.

Idem

(4) Where the Regional Corporation constructs a sidewalk, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality may contribute to the cost of such sidewalk, improvement or service and the work may be undertaken in whole or in part under the *Local Improvement Act*. 1973, c. 70, s. 36.

Construction
of sidewalk,
etc., on area
municipality
road

R.S.O. 1980,
c. 250

35. Where a regional road intersects a road that is under the jurisdiction and control of an area municipality, the continuation of the regional road to its full width across the road so intersected is a part of the regional road system. 1973, c. 70, s. 37.

Intersection
of other
roads by
regional
road

36. The Regional Council may pass by-laws for establishing and laying out new roads and for amending the by-law passed under section 27 by adding such new roads to the regional road system, and the provisions of the *Municipal Act* with respect to the establishment and laying out of highways by municipalities apply with necessary modifications. 1973, c. 70, s. 38.

New roads

37.—(1) With respect to the roads in the regional road system and the regulation of traffic thereon, the Regional Corporation has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation, of a city by the *Municipal Act*, the *Highway Traffic Act* and any other Act with respect to highways.

Powers and
liabilities
of Regional
Corporation

R.S.O. 1980,
cc. 302, 198

(2) The Regional Council or the council of any area municipality may by by-law designate any lane on any road over which it has jurisdiction as a lane solely or principally for use by public transit motor vehicles and prohibit or regulate the use thereof by vehicles other than public transit vehicles to such extent and for such period or periods as may be specified, and for the purpose of this subsection, "public transit motor vehicle" means a motor vehicle owned and operated by, for or on behalf of the Regional Corporation or any area municipality as part of its passenger transportation service. 1973, c. 70, s. 39.

Establish-
ment of
bus lanes

Erection of
gasoline
pump and
advertising
device near
regional
road

38.—(1) The Regional Council may by by-law prohibit or regulate the placing or erecting of,

- (a) any gasoline pump within forty-five metres of any limit of a regional road;
- (b) any sign, notice or advertising device within 400 metres of any limit of a regional road. 1973, c. 70, s. 40 (1); 1978, c. 87, s. 49 (1).

Permits

(2) A by-law passed under this section may provide for the issuing of permits for the placing or erecting of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor. 1973, c. 70, s. 40 (2).

By-laws of
area municipi-
palities
regulating
traffic

41.—(1) Sections 292 and 294 of the *Municipal Act* do the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force until it has been approved by the Regional Council. 1973, c. 70, s. 41 (1); 1976, c. 43, s. 76 (1).

Regional
Council
may approve
by-law in
whole or
in part

(2) A by-law submitted for approval of the Regional Council in compliance with subsection (1) may be approved in whole or in part and, where part of a by-law is approved only, that part only shall become operative.

Withdrawal
of approval

(3) The Regional Council may withdraw its approval to any by-law or any part thereof by notice sent by registered mail to the clerk of the area municipality and such by-law or part thereof shall be deemed to be repealed twenty-one days after the sending of the notice. 1976, c. 43, s. 76 (2).

Signal-light
devices

(4) All signal-light traffic control devices heretofore or hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the Regional Council, and the Regional Council may delegate any of its powers in respect of the operation of such devices to an officer of the Regional Corporation designated in the by-law.

Contribution
toward cost
of signal-
lights

(5) The Regional Corporation may contribute toward the cost of the erection of signal-light traffic control devices erected by an area municipality. 1973, c. 70, s. 41 (2, 3).

Traffic
control
within thirty
metres of
regional
roads

R.S.O. 1980,
c. 198

(6) Subject to the *Highway Traffic Act*, the Regional Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of thirty metres on either side of the limit of a regional road, and, where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed

under this subsection prevails to the extent of such conflict. 1973, c. 70, s. 41 (4); 1978, c. 87, s. 49 (2).

40. The Regional Council may by by-law authorize agreements between the Regional Corporation and the owners or lessees of land abutting on a highway for the construction, maintenance and use of walks for pedestrians over, across or under the highway upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof, and for leasing or licensing the use of untravelled portions of such walks and adjoining lands to persons for such considerations and upon such terms and conditions as may be agreed. 1973, c. 70, s. 42.

Agreements
for
pedestrian
walks

41.—(1) Sections 292 and 294 of the *Municipal Act* do not apply to a bridge or highway crossing or forming a boundary between the Regional Area and an adjoining municipality where such bridge or highway is included in the regional road system and in the road system of the municipality.

Disputes
as to
maintenance,
etc., of
bridges and
highways
R.S.O. 1980,
c. 302

(2) Where there is a difference between the Regional Council and the council of a municipality in respect of any such bridge or highway as to the corporation upon which the obligation rests for the constructing or maintaining of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the Regional Council and the council of the municipality are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the Regional Corporation or the corporation of the municipality.

Idem

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality and of the Regional Corporation, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities in regard to such bridge or highway, and the Municipal Board may make such order with respect to the same as it may consider just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute toward the building and maintaining of such bridge or highway.

Hearing
by O.M.B.

(4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive. 1973, c. 70, s. 43.

Term of
order

Boundary
bridges
between
area municipi-
palities
R.S.O. 1980,
c. 302

42. Clause 261 (1) (b) of the *Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities, and the councils of the area municipalities on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system. 1973, c. 70, s. 44.

Boundary
bridges
between
Regional
Area and
adjoining
municipality

43. Section 276 of the *Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the Regional Area and an adjoining municipality, and the councils of the area municipality and the adjoining local municipality on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system. 1973, c. 70, s. 45.

Restrictions

44.—(1) The Regional Council has, with respect to all land lying within a distance of forty-five metres from any limit of a regional road, all the powers conferred on the council of a local municipality by section 39 of the *Planning Act*. 1973, c. 70, s. 46 (1); 1978, c. 87, s. 49 (3).

R.S.O. 1980,
c. 379

Conflict
with local
by-laws

(2) In the event of conflict between a by-law passed under subsection (1) by the Regional Council and a by-law passed under section 39 of the *Planning Act* or a predecessor of such section by the council of a local municipality that is in force in the area municipality in which the land is situate, the by-law passed by the Regional Council prevails to the extent of such conflict. 1973, c. 70, s. 46 (2).

Controlled-
access roads

45.—(1) The Regional Council may by by-law designate any road in the regional road system, or any portion thereof, as a controlled-access road.

Closing
municipal
roads

(2) Subject to the approval of the Municipal Board, the Regional Council may by by-law close any municipal road that intersects or runs into a regional controlled-access road.

Notice of
application
for approval
for closing
road

(3) The Municipal Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such time, in such manner and to such persons as the Municipal Board may determine, and may further direct that particulars of objections to the closing shall be filed with the Municipal Board and the Regional Corporation within such time as the Municipal Board shall direct.

Order of
O.M.B.

(4) Upon the hearing of the application for approval of the closing of a road, the Municipal Board may make such order as it considers proper refusing its approval or granting its approval upon such terms and conditions as it considers

proper, and any order of the Municipal Board approving of the closing of a road may contain provisions,

- (a) determining the portion or portions of the road that shall be closed;
- (b) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and
- (c) providing for the doing of such other acts as in the circumstances it considers proper.

(5) Upon the approval of the Municipal Board being so ^{Closing road} obtained but subject to the provisions of the order of the Municipal Board made on the application for such approval, the Regional Corporation may do all such acts as may be necessary to close the road in respect of which the application is made.

(6) The Regional Corporation, or any person including an ^{Appeal} area municipality, that has filed particulars of an objection may, with the leave of the Divisional Court, appeal to that court from any order made under subsection (4).

(7) Application for leave to appeal shall be made within ^{Time for appeal} thirty days after the date of the determination or order of the Municipal Board subject to the rules of the court as to vacations.

(8) The leave may be granted on such terms as to the ^{Leave to appeal} giving of security for costs and otherwise as the court may consider just.

(9) The practice and procedure as to the appeal and matters ^{Practice and procedure on appeal} incidental thereto shall be in accordance with the rules of court, and the decision of the Divisional Court is final.

(10) Section 95 of the *Ontario Municipal Board Act* does ^{R.S.O. 1980, c. 347, s. 95, not to apply} not apply to an appeal under this section. 1973, c. 70, s. 47.

46. The Regional Council may pass by-laws prohibiting ^{Private roads, etc., opening upon regional controlled-access road} or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a regional controlled-access road. 1973, c. 70, s. 48.

47.—(1) The Regional Corporation may give notice to the ^{Notice} owner of any land requiring him to close up any private road, entranceway, structure or facility constructed or used as a

means of access to a regional controlled-access road in contravention of a by-law passed under section 46.

Service
of notice

(2) Every notice given under subsection (1) shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail shall be deemed to have been received on the fifth day following the mailing thereof.

Failure to
comply with
notice

(3) Where the person to whom notice is given under subsection (1) fails to comply with the notice within thirty days after its receipt, the Regional Council may by resolution direct any officer, employee or agent of the Regional Corporation to enter upon the land of such person and do or cause to be done whatever may be necessary to close up the private road, entranceway, structure or facility as required by the notice.

Offence

(4) Every person who fails to comply with a notice given under subsection (1) is guilty of an offence and on conviction is liable to a fine or not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence.

Compensa-
tion

(5) Where a notice given under subsection (1) has been complied with, no compensation is payable to the owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a controlled-access road designated under subsection 45 (1) was constructed or used, as the case may be,

(a) before the day on which the by-law designating the road as a controlled-access road became effective; or

(b) in compliance with a by-law passed under section 46, in which case the making of compensation is subject to any provisions of such by-law. 1973, c. 70, s. 49.

Regional
liability
where road
forms part
of system

48.—(1) Subject to subsection (2), no area municipality shall have any right to compensation or damages for any road forming part of the regional road system.

Idem

(2) Where a road forms part of the regional road system, the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this subsection requires the Regional Corporation to pay that

portion of the amounts of principal and interest that under the *Local Improvement Act* is payable as the owners' share of a local improvement work. 1973, c. 70, s. 50 (1, 2).

R.S.O. 1980,
c. 250

(3) Where the Regional Corporation fails to make any payment required by subsection (2), on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 91.

Default

(4) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the road forming part of the regional road system, the Municipal Board, upon application, may determine the matter and its decision is final. 1973, c. 70, s. 50 (4).

Settling
of doubts

49.—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall so notify the Regional Corporation by registered mail.

Stopping-up
highways

(2) If the Regional Council objects to such stopping up, it shall notify the council of the area municipality by registered mail within sixty days of the receipt of the notice required under subsection (1) and the highway or part thereof shall not be stopped-up except by agreement between the area municipality and the Regional Council and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final. 1973, c. 70, s. 51.

Agreement

(3) No area municipality shall open up, establish or assume for public use any highway which intersects with or enters upon any highway in the regional road system without the prior written approval of the Regional Corporation. 1973, c. 162, s. 3.

Approval
required to
intersect
regional road

50. Sections 101, 103, 105, 108 and 111 of the *Public Transportation and Highway Improvement Act* apply with necessary modifications with respect to any road in the regional road system. 1973, c. 70, s. 53.

Application of
R.S.O. 1980,
c. 421

PART IV

MUNICIPAL HYDRO-ELECTRIC SERVICE

51. In this Part,

Interpre-
tation

- (a) “accumulated net retail equity” means the portion of equity accumulated through debt retirement appropria-

tions recorded for the Rural Power District relating to Ontario Hydro's rural retail system plus the portion of the balance recorded for customers in the Stabilization of Rates and Contingencies Account, in the books of Ontario Hydro;

- (b) "municipal commission" means a hydro-electric commission or public utilities commission entrusted with the control and management of works for the retail distribution and supply of power in the Regional Area immediately before the 22nd day of June, 1979 and established or deemed to be established under Part III of the *Public Utilities Act*;
- (c) "power" means electrical power and includes electrical energy;
- (d) "regulations" means the regulations made under this Part;
- (e) "retail", when used in relation to the distribution and supply of power, refers to the distribution and supply of power at voltages less than 50 kilovolts, but does not refer to works located within a transformer station that transform power from voltages greater than 50 kilovolts to voltages less than 50 kilovolts. 1979, c. 70, s. 1, *revised*.

Commissions
continued

1979, c. 70

52.—(1) The hydro-electric commission for each of the towns of Halton Hills, Milton and Oakville and the City of Burlington established by *The Halton Municipal Hydro-Electric Service Act, 1979* is continued.

Application of
R.S.O. 1980,
cc. 423, 384

(2) Each commission shall be deemed to be a commission established under Part III of the *Public Utilities Act* and a municipal commission within the meaning of the *Power Corporation Act*.

Names of
commissions

(3) Each commission shall be known by the name set out below that relates to the area municipality in respect of which the commission is established:

1. Burlington Hydro-Electric Commission.
2. Halton Hills Hydro-Electric Commission.
3. Milton Hydro-Electric Commission.
4. Oakville Hydro-Electric Commission.

(4) Each commission shall consist of the mayor of the area municipality in respect of which the commission is established and four additional members who are qualified electors under the *Municipal Elections Act* in the area municipality. 1979, c. 70, s. 2 (1-4).

Composition
R.S.O. 1980,
c. 308

(5) The additional members of each commission shall be elected by a general vote of the electors of the area municipality served by the commission, unless before the 1st day of July, 1980 the council of the area municipality provides by by-law that the additional members shall be elected by wards or appointed by the council.

Additional
members of
commissions

(6) Members of the council of the area municipality served by a commission may be members of the commission, but the members of the council shall not form a majority of the commission.

Eligibility
of members
of council

(7) A member of a commission shall hold office for the same term as the members of council or until his successor is elected or appointed.

Term of
office

(8) The council of an area municipality served by a commission may, by by-law passed with the written consent of the mayor, appoint a delegate from among the members of the council to represent the mayor on the commission. 1979, c. 70, s. 2 (9-12).

Delegates

(9) A resignation from the council of an area municipality of a member of the council who is a member of a commission shall be deemed to be a resignation from both the council and the commission. 1979, c. 70, s. 2 (14).

Resignations

53.—(1) Except as herein provided, all the powers, rights, authorities and privileges that are conferred by the *Public Utilities Act* on a municipal corporation with respect to power shall, on and after the 1st day of January, 1980, be exercised on behalf of each area municipality by the commission established in respect of the area municipality and not by the council of any municipality or any other person.

Powers of
commissions
R.S.O. 1980,
c. 423

(2) On and after the 1st day of January, 1980, each commission has the sole right to distribute and supply power within the area municipality in respect of which it is established.

Right to
distribute
and supply
power

(3) The right of a commission to distribute and supply power is subject to any subsisting contracts for the supply of power made under section 70 of *The Power Corporation Act*, being chapter 354 of the Revised Statutes of Ontario, 1970.

Subsisting
contracts

(4) A commission may contract with Ontario Hydro without electoral assent or other approval or authorization for the transmission and supply to the commission of power to be distributed and sold in the area municipality served by the commission.

Contract
with
Ontario
Hydro

Idem

R.S.O. 1980,
c. 302

(5) A contract under subsection (4) shall be deemed to be an agreement within the meaning of clause 149 (2) (s) of the *Municipal Act*.

Application of
R.S.O. 1980,
c. 384

(6) Except where inconsistent with the provisions of this Act, the provisions of the *Power Corporation Act* applicable to a municipal corporation that has entered into a contract with Ontario Hydro for the distribution and supply of power to the municipal corporation apply to the commissions.

Direct
customers

(7) With the consent of a commission, Ontario Hydro may distribute and supply power directly to customers in the area municipality in respect of which the commission is established. 1979, c. 70, s. 3.

Transfer of
assets and
liabilities

54.—(1) On the 1st day of January, 1980, all assets under the control and management of and all liabilities of the municipal commissions in each area municipality are, without compensation, assets under the control and management of and liabilities of the commission established in respect of the area municipality.

Transitional

(2) Any of the assets, powers and responsibilities of the municipal commissions in an area municipality that pertain to the distribution and supply of power in the area municipality may be transferred by agreement before the 1st day of January, 1980 to the commission established in respect of the area municipality. 1979, c. 70, s. 4.

Compensation
for inter-
municipal
transfers
of assets

55.—(1) Where assets that pertain to the retail distribution and supply of power in an area municipality are transferred to a commission from a municipal commission the majority of whose customers are located in another area municipality, the commission to which the assets are transferred shall pay compensation for the assets to the commission established in respect of the other area municipality.

Determination
of amount

(2) The amount of the compensation under subsection (1) shall be determined by agreement. 1979, c. 70, s. 5.

Purchase
of retail
distribution
facilities
from Ontario
Hydro

56.—(1) On or before the 1st day of January, 1980, each commission shall purchase, on behalf of the area municipality served by the commission, and Ontario Hydro shall sell to the commission, the assets and liabilities of Ontario Hydro that pertain to the distribution and supply of power at retail in the area municipality.

Leased
equipment

(2) The purchases mentioned in subsection (1) shall include equipment leased by Ontario Hydro to retail customers in the area municipalities for the use of power supplied to the retail customers.

(3) The purchase price shall be determined in accordance with the regulations and shall be equal to the original cost of the assets less the sum of,

Purchase
price

(a) the accumulated net retail equity of the customers supplied with power through the assets; and

(b) the accumulated depreciation associated with the assets. 1979, c. 70, s. 6.

57.—(1) In this section,

Interpre-
tation

(a) “parties” means,

(i) with respect to section 55, the commissions continued under section 52 that are referred to in section 55, and

(ii) with respect to section 56, Ontario Hydro and, in each case, the commission continued under section 52;

(b) “purchase price” means,

(i) with respect to section 55, the compensation referred to in section 55, and

(ii) with respect to section 56, the purchase price referred to in section 56.

(2) If the purchase price under section 55 or 56 is not determined before the 1st day of January, 1981, either of the parties at any time thereafter may request that the purchase price be determined either by a single arbitrator agreed on by the parties or by a board of arbitration.

Where price
to be
determined
by
arbitration

(3) Where a request is made under subsection (2) for a determination by a single arbitrator and the parties are unable to agree on an arbitrator within thirty days after the making of the request, either of the parties may request that the purchase price be determined by a board of arbitration.

Where
parties
unable to
agree on
single
arbitrator

(4) Where a request is made under subsection (2) or (3) that the purchase price be determined by a board of arbitration,

Arbitration
board

(a) within fourteen days after the request, each party to the arbitration shall appoint a person as a member of the board of arbitration and shall give notice to the other party of the name and address of the person;

- (b) the two members of the board of arbitration, within ten days after the giving of the notice of appointment of the second of them, shall appoint a third person to be chairman of the board of arbitration and the chairman shall give notice of his appointment to the parties; and
- (c) if a party fails to appoint a member to a board of arbitration in accordance with clause (a) or if the members do not appoint a chairman in accordance with clause (b), or in the event of the absence or inability to act or of a vacancy in the office of a member or the chairman of a board of arbitration, either party may apply on notice to the other party to the Divisional Court and the court may appoint the member or chairman.

Application of
R.S.O. 1980,
c. 25

(5) Except as otherwise provided in this section, the *Arbitrations Act* applies to subsections (2), (3) and (4). 1979, c. 70, s. 7.

Vesting
of real
property

58.—(1) All real property transferred by section 54 to the control and management of a commission or otherwise acquired by or for the commission shall be held by the commission in trust for the area municipality served by the commission.

Disposition
of real
property

(2) Where a commission is of the opinion, and so declares by resolution, that any real property under its control and management is not required for its purposes, unless otherwise agreed upon by the commission and the area municipality served by the commission, the real property may be disposed of as follows:

1. In the event that the area municipality served by the commission wishes in good faith to use the real property for a municipal purpose, it shall compensate the commission for the real property at its actual cost, less accrued depreciation as shown on the books of the commission or the assessed value of the real property, whichever is the greater, and when the municipality in good faith no longer wishes to use the real property for a municipal purpose, the area municipality may sell, lease or otherwise dispose of the real property without the assent of Ontario Hydro and may retain the proceeds of the sale, lease or disposition as municipal funds.
2. In the event that the municipality served by the commission does not wish to use the real property in accordance with paragraph 1, the commission shall, as soon as practicable, sell, lease or otherwise dispose of the real property at fair market value on behalf of the municipality and the net proceeds derived from the sale, lease or other disposition of the real property or the compensation paid therefor under this subsection shall be

received by the commission and shall be applied in accordance with the *Public Utilities Act*. 1979, c. 70, s. 8. R.S.O. 1980, c. 423

59. Except as otherwise provided in this Act, sections 99 to 121 apply, with necessary modifications, to any borrowing for the purposes of a commission. 1979, c. 70, s. 9. Borrowing

60.—(1) In this section, “transfer date”, when used in respect of an employee of a municipal commission or Ontario Hydro, means the date on which a commission assumes liability for the payment of the wages or salary of the employee. Interpretation

(2) On or before the 31st day of December, 1979, Ontario Hydro and each municipal commission that supplied power in an area municipality immediately before the 22nd day of June, 1979 shall designate those of their full-time employees who were employed in the distribution and supply of power in an area municipality on the 1st day of January, 1979, and who continued such employment until the 31st day of December, 1979 or until their transfer dates, as the case may be, and each commission shall offer employment to the employees designated in respect of the area municipality served by the commission. Transfer of employees

(3) A person who accepts employment under this section is entitled to receive, for a period of one year commencing on the transfer date, a wage or salary not less than the wage or salary he was receiving on the day nine months before the transfer date. Wages or salaries

(4) Each commission shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the 22nd day of June, 1979, and a person who accepts employment under this section shall be deemed to continue or to become a member of the System, as the case requires, on his transfer date, and the *Ontario Municipal Employees Retirement System Act* applies to such person as a member of the System. Participation in O.M.E.R.S.

(5) When a person who accepts employment under this section with a commission is entitled immediately before his transfer date to the benefit of a supplementary agreement between the Ontario Municipal Employees Retirement Board and a municipal commission that, on the 21st day of June, 1979, supplied power in an area municipality mentioned in subsection 52 (1), the commission shall assume, in respect of the person, all rights and obligations under the supplementary agreement as if the commission had been a party to the agreement in the place of the municipal commission. Supplementary agreements

(6) Where a person who accepts employment under this section is a contributor to The Pension and Insurance Fund of Ontario Hydro immediately before his transfer date, the present value of Transfer of pension credits from Ontario Hydro Plan

the pension earned by the person in The Pension and Insurance Fund of Ontario Hydro at the transfer date or the contributions of the person in the Fund with interest accumulated and credited to the person in the Fund, whichever is the greater, shall be transferred to the Ontario Municipal Employees Retirement Fund and the person shall be given credit in the Ontario Municipal Employees Retirement System for a period of service equal to the period of service for which he was given credit in The Ontario Hydro Pension and Insurance Plan.

Pension
guarantee

(7) Notwithstanding subsection (4), a person who accepts employment under this section with a commission and who,

(a) was employed by Ontario Hydro immediately before his transfer date; and

(b) continues in the employment of a municipal hydro-electric commission until he or his beneficiary becomes entitled to a pension benefit,

is entitled to at least the pension benefit he would have been entitled to under The Ontario Hydro Pension and Insurance Plan if his years of continuous service with the commission had been additional years of continuous service with Ontario Hydro and if there had been no change in the Plan after the 31st day of December, 1979, calculated on the basis of the wage or salary paid to the person by Ontario Hydro and the commission, and the cost, if any, of the pension benefit over the cost of the pension benefit to which the person is entitled under subsection (4) shall be apportioned and paid as provided by the regulations.

Group life
insurance

(8) A person who accepts employment under this section is entitled as a term of his employment to continue as a member of the group life insurance plan in which he was a member with his former employer until the effective date of a common group life insurance plan covering all eligible employees of his new employer.

Idem

(9) On or before the 31st day of December, 1981, each commission shall provide a common group life insurance plan covering all of the eligible employees of the commission, and the plan shall provide to any person accepting employment under this section, by option or otherwise, insurance coverage not inferior to the insurance coverage to which the person was entitled immediately before his transfer date.

Sick leave

(10) A person who accepts employment under this section shall continue to enjoy the rights and benefits of sick leave entitlements or sick leave insurance provided by his former employer

immediately before the transfer date until the new employer establishes a sick leave entitlement plan or sick leave insurance plan, and thereupon the person shall receive allowance or credit for any accrued sick leave rights or benefits.

(11) Each commission shall continue the provision of life insurance to pensioners formerly employed by a municipal commission in the distribution and supply of power in the area municipality served by the commission.

Life insurance provided to pensioners

(12) Nothing in this section prevents an employer from terminating the employment of an employee for cause.

Termination for cause

(13) Where, in the opinion of the Minister, a person who is designated or who accepts employment under this section experiences any difficulty or hardship with regard to life insurance benefits, pension rights, pension benefits or sick leave rights or benefits, the Minister by order may do anything necessary to remedy or alleviate such difficulty or hardship. 1979, c. 70, s. 10.

Special circumstances

61. For the purposes of section 135 of *The Regional Municipality of Halton Act, 1973*, the 1st day of January, 1980 is the date determined by the Minister in respect of the Regional Area and on that date the municipal commissions supplying only electrical power and energy in that area on the 21st day of June, 1979 are dissolved and the by-laws establishing them passed under sections 37 and 39 of the *Public Utilities Act* shall be deemed to be repealed and the assent of the municipal electors is not required. 1979, c. 70, s. 11.

Dissolution of existing commissions 1973, c. 70

R.S.O. 1980, c. 423

62. With respect to the Town of Halton Hills and the Halton Hills Hydro-Electric Commission, each date mentioned in sections 53, 54, 56, 57, 60 and 61 shall be deemed to be a date three months after the mentioned date. 1979, c. 70, s. 12.

Halton Hills Hydro-Electric Commission

63. The Lieutenant Governor in Council may make regulations,

Regulations

(a) for the purpose of subsection 56 (3) in respect of,

- (i) the method of determining the original cost of the assets or of any asset or of any part of any asset,
- (ii) the allocation of the original cost of the assets or of any asset or of any part of any asset,
- (iii) the method of determining the amount of any component of the accumulated net retail equity,

- (iv) the allocation of the accumulated net retail equity or any component of the accumulated net retail equity,
 - (v) the method of calculating accumulated depreciation of any component of accumulated depreciation,
 - (vi) the allocation of accumulated depreciation or any component of accumulated depreciation,
 - (vii) the method of payment of the price of the assets;
- (b) for the purposes of subsection 60 (7), in respect of the apportionment of the excess cost of any benefit referred to in the subsection and the payment of the excess cost or any part thereof. 1979, c. 70, s. 13.

PART V

PLANNING

Planning
area
R.S.O. 1980,
c. 379

64.—(1) The Regional Area is continued as a joint planning area under the *Planning Act* known as the Halton Planning Area. 1973, c. 70, s. 54 (1).

Designated
municipality

(2) The Regional Corporation is the designated municipality within the meaning of the *Planning Act* for the purposes of the Halton Planning Area and each area municipality is the designated municipality within the meaning of the *Planning Act* for the purposes of the subsidiary planning area it constitutes. 1978, c. 33, s. 85.

Planning
areas
dissolved

(3) All planning areas and subsidiary planning areas that are included in the Halton Planning Area together with the boards thereof are dissolved on the 31st day of December, 1973.

Area muni-
cipalities
subsidiary
planning
areas

(4) Each area municipality is continued as a subsidiary planning area, and the council thereof shall have all the powers of a planning board under the *Planning Act* and no area municipality shall establish a planning board.

Proviso

(5) Nothing in subsections (3) and (4) affects any official plan in effect in any part of the Regional Area.

Effect of
official
plan

(6) When the Minister of Housing has approved an official plan adopted by the Regional Council,

- (a) every official plan and every by-law passed under section 39 of the *Planning Act* or a predecessor thereof then in effect in the planning area affected thereby shall be amended forthwith to conform therewith; and
- (b) no official plan of a subsidiary planning area shall be approved that does not conform therewith. 1973, c. 70, s. 54 (3-6).

65.—(1) The Regional Council shall investigate and survey the physical, social and economic conditions in relation to the development of the Halton Planning Area and may perform such other duties of a planning nature as may be referred to it by any council having jurisdiction in the Halton Planning Area, and without limiting the generality of the foregoing shall,

Planning
duties of
Regional
Council

- (a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the Halton Planning Area;
- (b) hold public meetings and publish information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the Halton Planning Area; and
- (c) consult with any local board having jurisdiction within the Halton Planning Area.

(2) The Regional Council, before the 31st day of December, 1976, shall prepare, adopt and forward to the Minister of Housing for approval an official plan for the Regional Area.

Official
plan

(3) The Regional Council and the council of each area municipality may appoint such planning committees and staff as it considers necessary. 1973, c. 70, s. 55 (1-3).

Appoint-
ment of
planning
staff

(4) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a planning board for the purposes of section 1, subsections 2 (4), (6) and (7), sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26 and 27, subsection 29 (25), sections 36, 50 and 51 of the *Planning Act* and, where the Regional Council meets in respect of matters pertaining to planning for the purposes aforesaid, no separate meeting of the Council as a planning board is required. 1978, c. 33, s. 86.

Regional
Corporation
deemed
municipality
under
R.S.O. 1980,
c. 379

Idem

(5) The Regional Corporation shall be deemed to be a county for the purposes of section 47 of the *Planning Act*.

Agreements
re plans of
subdivision

(6) The Regional Corporation may enter into agreements with area municipalities or persons relating to approval of plans of subdivision.

Agreements
re special
studies

(7) The Regional Corporation, with the approval of the Minister of Housing, may enter into agreements with any governmental authority, or any agency thereof created by statute for the carrying out of studies to the Halton Planning Area or any part thereof. 1973, c. 70, s. 55 (5-7).

Committees
of adjust-
ment

(8) All committees of adjustment heretofore constituted by the council of a local municipality in the Halton Planning Area are dissolved on the 31st day of December, 1973, and the council of each area municipality shall forthwith after the 1st day of January, 1974, by by-law constitute and appoint a committee of adjustment under section 41 of *The Planning Act*, being chapter 349 of the Revised Statutes of Ontario, 1970, but not withstanding the provisions of such Act no such committee shall have any authority to grant consents referred to in section 29 of such Act.

Land
division
committee

(9) On or before the 1st day of January, 1974, the Regional Council shall, without notice from the Minister of Housing, constitute and appoint a land division committee composed of such number of persons not fewer than three as the Regional Council considers advisable, to grant consents referred to in section 29 of the *Planning Act*. 1973, c. 70, s. 55, (9, 10).

Application of
R.S.O. 1980,
c. 379

66. Except as provided in this Part, the provisions of the *Planning Act* apply to the Regional Corporation. 1973, c. 70, s. 56.

PART VI

HEALTH AND WELFARE SERVICES

Liability for
hospitaliza-
tion of
indigents
R.S.O. 1980,
cc. 410, 389

67.—(1) The Regional Corporation shall be deemed to be a city for all the purposes of the provisions of the *Public Hospitals Act* and the *Private Hospitals Act* respecting hospitalization and burial of indigent persons and their dependants, and no area municipality has any liability under such provisions.

Existing
liabilities
transferred

(2) The Regional Corporation is liable for the hospitalization and burial, after the 31st day of December, 1973, of an indigent person or his dependant who was in hospital on the

31st day of December, 1973, and in respect of whom any local municipality within the Regional Area was liable because the indigent person was a resident of such local municipality or the County of Halton, excluding that part of the Town of Oakville which becomes part of the City of Mississauga, and that portion of the Township of Nassagaweya excluded from the said township under clause 2 (1) (c), on the 1st day of January, 1974.

(3) Nothing in subsection (2) relieves any such local municipality from any liability in respect of hospitalization or burials before the 1st day of January, 1974. 1973, c. 70, s. 57. Proviso

68.—(1) The Regional Council may pass by-laws for granting aid for the construction, erection, establishment, acquisition, maintenance, equipping and carrying on the business of public hospitals including municipal hospitals and other health care facilities in the Regional Area and may issue debentures therefor, and no area municipality shall exercise any such powers in respect of public hospitals including municipal hospitals. 1973, c. 70, s. 58 (1). Aid to hospitals

(2) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection (1), prior to the 1st day of January, 1974, and, if the Regional Corporation fails to pay such amounts before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 92. Responsibility of Regional Corporation

(3) Notwithstanding the provisions of any general or special Act, payments made under this section shall form part of the levy under section 90. 1973, c. 70, s. 58 (3). Hospital costs form part of regional levy

69.—(1) On the 1st day of July, 1978, the Regional Area health unit, and the Halton Regional Board of Health are dissolved, and the assets and liabilities of the Board become the assets and liabilities of the Regional Corporation without compensation, and the Regional Corporation shall stand in the place and stead of the Halton Regional Board of Health for the purposes of any agreements entered into, orders made, or matters commenced by that Board, and for the purposes of any proceedings that have been or may be instituted against that Board. Health unit and Board dissolved

Regional Corporation to have powers, etc., of local board

(2) The Regional Corporation shall have all the powers and rights and be subject to all the duties conferred or imposed on a local board of health for a municipality by the *Public Health Act* and shall perform all the functions of such a board, and the functions that would have been performed by the local board or the medical officer of health or the public health inspector of an area municipality shall be performed by the Regional Corporation or the medical officer of health or the health inspector of the Regional Corporation, as the case may be.

Regional Corporation deemed municipality

(3) The Regional Corporation shall be deemed to be a municipality for the purposes of the *Public Health Act*.

Non-application of R.S.O. 1980, c. 409, ss. 19, 21

(4) Section 19 of the *Public Health Act* does not apply to the Regional Corporation, and section 21 of that Act does not apply to the clerk of the Regional Corporation.

Non-application of R.S.O. 1980, c. 409, ss. 17, 39

(5) Sections 17 and 39 of the *Public Health Act* do not apply to an area municipality.

Regional Corporation deemed local board

(6) The Regional Corporation shall be deemed to be a local board of health for a municipality for the purposes of sections 25 and 149 and subsections 132 (2) and (5) and Schedule B of the *Public Health Act*.

Clerk deemed secretary of local board of health

(7) The clerk of the Regional Corporation shall be deemed to be the secretary of a local board for the purposes of sections 28 and 92 and subsection 27 (2), and subsection 78 (7) and Schedule B of the *Public Health Act*.

Application of R.S.O. 1980, c. 409, ss. 37, 129, 150 (2)

(8) For the purposes of sections 37 and 129 and subsection 150 (2) of the *Public Health Act*, an order made by the Regional Council pursuant to the powers conferred on the Regional Corporation by this section shall be deemed to be an order made by a local board.

Medical officer of health, etc., deemed appointed under R.S.O. 1980, c. 409, s. 39

(9) The medical officer of health and the public health inspector and all other classes of persons referred to in subsection 39 (7) of the *Public Health Act* employed by the Regional Corporation pursuant to subsection (13) shall be deemed to have been duly appointed under section 39 of the *Public Health Act* and shall have all the powers, rights and privileges and be subject to all the duties conferred or imposed upon such persons by that Act or any other Act.

Application of R.S.O. 1980, c. 409, s. 127 (1)

(10) For the purposes of subsection 127 (1) of the *Public Health Act*, a request to the Minister of Health by the Regional Corporation shall be deemed to be a request by a local board.

(11) The Regional Corporation may exercise the powers conferred by sections 157 and 158 of the *Public Health Act* and no area municipality may exercise such powers.

Application of
R.S.O. 1980,
c. 409,
ss. 157, 158

(12) Where the Regional Corporation or the medical officer of health or a public health inspector of the Regional Corporation has incurred expenditures that under the *Public Health Act* may be recovered by levying the amount thereof against rateable property in a municipality or by adding the amount thereof to the collector's roll and collecting such amount in a like manner as municipal taxes, the Regional Council may by by-law direct the appropriate area municipality to levy such amount or to add such amount to its collector's roll, as the case may be, and to collect the same in accordance with the provisions of the *Public Health Act*, and the council of an area municipality shall forthwith upon receiving a direction under this subsection comply therewith, and any moneys collected under this subsection shall forthwith be paid over to the treasurer of the Regional Municipality.

Recovery of
expenditure

(13) The Regional Corporation shall offer to employ every person who, on the 30th day of June, 1978, is employed by the Halton Regional Board of Health, and any person who accepts employment offered under this subsection shall be entitled to receive a wage or salary up to and including the 30th day of June, 1979, of not less than he was receiving on the 30th day of June, 1978.

Offer of
employment

(14) Subsections 25 (2), (3) and (5) apply with necessary modifications to the Regional Corporation and to persons employed under subsection (13) as though such persons were employed on the 30th day of June, 1978, by a local board of a local municipality within the Regional Area.

Application of
s. 25 (2), (3), (5)

(15) Where a person employed under subsection (13) was not employed under a collective agreement on the 30th day of June, 1978, the Regional Corporation shall place to the credit of such person the sick leave credits standing to his credit on such date in the sick leave credit plan of the Halton Regional Board of Health.

Sick leave
credits

(16) Nothing in subsections (13), (14) and (15) prevents the Regional Corporation from terminating the employment of an employee for cause. 1978, c. 33, s. 87 (*part*).

Termination
of
employment

70.—(1) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a city and no area municipality shall be deemed to be a municipality:

Regional
Corporation
deemed city
under
R.S.O. 1980,
cc. 21, 263,
463, 527

1. *Anatomy Act.*
2. *Mental Hospitals Act.*
3. *Sanatoria for Consumptives Act.*
4. *War Veterans Burial Act.*

Regional
Corporation
deemed
county under
R.S.O. 1980,
cc. 111, 188, 200

(2) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a county and no area municipality shall be deemed to be a municipality:

1. *Day Nurseries Act.*
2. *General Welfare Assistance Act.*
3. *Homemakers and Nurses Services Act.*, 1973, c. 70, s. 61.

Assets and
liabilities

(3) All the assets and liabilities pertaining to the functions transferred to the Regional Corporation under subsection (2) become the assets and liabilities of the Regional Corporation on the 1st day of January, 1974, and in the event there is any dispute with respect to such transfers the matter shall be submitted to the Municipal Board whose determination shall be final and binding. 1973, c. 162, s. 5.

Liability
for homes
for aged
R.S.O. 1980,
c. 203

71.—(1) The Regional Corporation shall be deemed to be a county for the purposes of the *Homes for the Aged and Rest Homes Act*, and no area municipality has any authority as to the establishment, erection and maintenance of a home for the aged under such Act.

Halton
county home
for aged
vested in
Regional
Corporation

(2) The home for the aged known as Halton Centennial Manor and all assets and liabilities thereof together with all the real and personal property of such home, vest in the Regional Corporation on the 1st day of January, 1974, without compensation. 1973, c. 70, s. 62.

Residents
of other
homes for
aged

72.—(1) The Regional Corporation shall pay to the committee or board of management of any home for the aged located outside the Regional Area the cost of maintenance in such home, incurred after the 31st day of December, 1973, of every resident of such home who was admitted thereto due to residence in any area that becomes part of an area municipality.

(2) The amount payable by the Regional Corporation under subsection (1) shall be such as may be agreed upon or, failing agreement, as may be determined by the Municipal Board. 1973, c. 70, s. 63.

Amount of
maintenance
payment

73. Notwithstanding clause 1 (g) of the *Elderly Persons Centres Act*, the Regional Corporation shall be deemed to be a municipality for the purposes of such Act. 1978, c. 33, s. 88.

Regional
Corporation
deemed
municipality
under
R.S.O. 1980,
c. 131

74. No area municipality shall be deemed to be a municipality for the purposes of the *Child Welfare Act*. 1973, c. 70, s. 64.

Area
municipality
not
municipality
under
R.S.O. 1980,
c. 66

75. Where an order is made under subsection 20 (2) of the *Juvenile Delinquents Act* (Canada) upon an area municipality, such order shall be considered to be an order upon the Regional Corporation, and the sums of money required to be paid under such order shall be paid by the Regional Corporation and not by the area municipality. 1973, c. 70, s. 66.

Liability
under order
made under
R.S.O. 1970,
c. J-3

76. Every area municipality and every officer or employee thereof shall, at the request of the officers of the Regional Corporation who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Act. 1973, c. 70, s. 67.

Information

77. In the event that there is any doubt as to whether the Regional Corporation is liable under this Part in respect of the liabilities imposed herein, the matter may be settled by agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board. 1973, c. 70, s. 68.

Adjustments

78. The Regional Corporation may grant aid to approved corporations established under the *Homes for Retarded Persons Act*, and may enter into agreements with any of such corporations with respect to the construction, operation and maintenance of homes for retarded persons. 1973, c. 70, s. 69.

Grants, etc.,
to approved
corporations
under
R.S.O. 1980,
c. 201

PART VII

POLICE

79. In this Part, "Halton Police Board" means the Halton Regional Board of Commissioners of Police. 1973, c. 70, s. 70.

Interpre-
tation

Halton
Regional
Board
continued

80.—(1) The board of commissioners of police known as the Halton Regional Board of Commissioners of Police is continued and shall consist of,

- (a) two members of the Regional Council appointed by resolution of the Regional Council;
- (b) a judge of a county or district court designated by the Lieutenant Governor in Council; and
- (c) two persons appointed by the Lieutenant Governor in Council.

Quorum

(2) Three members of the Halton Police Board, including a member appointed by the Regional Council, are necessary to form a quorum. 1973, c. 70, s. 71 (1, 2).

Remunera-
tion

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under the *Police Act*, to the members of the Halton Police Board appointed by the Lieutenant Governor in Council. 1978, c. 33, s. 89.

Regional
Corporation
deemed city
under
R.S.O. 1980,
c. 381

81.—(1) On and after the 1st day of January, 1974,

- (a) the Regional Corporation shall be deemed to be a city having a population of more than 15,000 according to the last municipal census for the purposes of the *Police Act*, except subsections 8 (1) to (4) thereof;
- (b) the *Police Act*, except section 70, does not apply to any area municipality; and
- (c) the Halton Police Board and the members of the Halton Regional Police Force shall be charged with the same duties with respect to by-laws of the area municipalities as with respect to by-laws of the Regional Corporation. 1973, c. 70, s. 72 (1); 1978, c. 33, s. 90.

Fines

(2) The fines imposed for the contravention of the by-laws of any area municipality, shall, where prosecuted by the Halton Regional Police Force, belong to the Regional Corporation and, where prosecuted by any other person, belong to the area municipality whose by-law has been contravened. 1973, c. 70, s. 72 (2).

Area police
force

82.—(1) Every person who is a member of a police force of a local municipality within the Regional Area on the 1st

day of April, 1973, and continues to be a member until the 31st day of December, 1973, shall, on the 1st day of January, 1974, become a member of the Halton Regional Police Force, and the provisions of subsections 25 (4), (7) and (10) apply to such members, but no member shall receive in the year 1974 any benefits of employment, with the exception of rank, less favourable than those he was receiving from the local municipality.

(2) Every person who is a member of a police force of a local municipality on the 31st day of December, 1973, and becomes a member of the Halton Regional Police Force on the 1st day of January, 1974, is subject to the government of the Halton Police Board to the same extent as if appointed by the Halton Police Board and the Halton Regional Police Association shall be entitled to make representations to such Board in respect of by-laws and regulations for the government of the Halton Regional Police Force. 1973, c. 70, s. 73 (1, 2).

Halton
Regional
Police
Force

(3) Every person who becomes a member of the Halton Regional Police Force under subsection (1) shall,

Terms of
employment

- (a) be considered to have elected to participate in the Ontario Municipal Employees Retirement System if he was a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment by the Halton Police Board and such member shall have uninterrupted membership in the Ontario Municipal Employees Retirement System, and to participate in the Ontario Municipal Employees Retirement System supplementary plan as established for the Town of Burlington Police Force on and after the 1st day of January, 1974, in respect of service after such date;
- (b) with the exception of civilian employees and assistants, be retired on the last day of the month in which the member attains sixty years of age;
- (c) have credited to him in the Halton Regional Police Force the total number of years of service that he had in the police force of the local municipality of which he was a member immediately prior to the 1st day of January, 1974;
- (d) receive such sick leave credits and benefits in the sick leave credit plan which shall be established by the Halton Police Board as he had standing to his credit in the plan of the local municipality; and

- (e) not be transferred without his consent to a detachment farther than a distance of 24.14 kilometres from the detachment headquarters of the police force of which he was a member on the 31st day of December, 1973. 1973, c. 70, s. 73 (3); 1973, c. 162, s. 6 (1); 1978, c. 87, s. 49 (4).

Supple-
mentary
pension plans

(4) Notwithstanding clause (3) (a), those members of the Halton Regional Police Force who participated in a supplementary pension plan on or before the 31st day of December, 1973, shall continue to participate in such plan, and in respect of those members who did not participate in a supplementary pension plan the bargaining committee established under subsection (6), and its successor, shall be entitled to negotiate with the Halton Police Board in respect of the payment by the Board of contributions into the supplementary pension plan relating to past service of such members. 1973, c. 162, s. 6 (2).

Civilian
employee
retirement

(5) Civilian employees and assitants of the Halton Regional Police Force shall be retired on the last day of the month in which such civilian employee or assistant attains sixty-five years of age.

Joint
bargaining
committee

(6) On or before the 1st day of November, 1973, the members of the municipal police forces within the Regional Area shall appoint a joint bargaining committee to represent all such municipal police forces to bargain with the Halton Police Board in the manner and for the purposes provided in the *Police Act* and the Halton Police Board shall be the sole negotiating body to bargain with such committee. 1973, c. 70, s. 73 (4-6).

R.S.O. 1980,
c. 381

Application of
R.S.O. 1980,
c. 302

(7) Section 100 of the *Municipal Act* applies with necessary modifications to the Halton Police Board. 1973, c. 70, s. 73 (7).

Assumption
of buildings

83.—(1) The Regional Council shall, before the 1st day of January, 1974, pass by-laws which shall be effective on such date assuming for the use of the Halton Police Board any such land or building that the Halton Police Board may require that is vested on the 1st day of July, 1973, in any local municipality or local board thereof, and at least 40 per cent of which is used on such date for the purposes of the police force of that municipality, and on the day any such by-law becomes effective the property designated therein vests in the Regional Corporation. 1973, c. 70, s. 74 (1).

Extension
of time

(2) Notwithstanding subsection (1), a by-law for assuming any land or building mentioned in subsection (1), with the approval of the Municipal Board, may be passed after the 1st day of January, 1974, and in that case the by-law shall become effective on the date provided therein.

(3) Where any part of a building mentioned in subsection (1) is used by the local municipality or a local board thereof for other than police purposes, the Regional Corporation may,

Building
not used
exclusively
for police
force

- (a) where practicable, assume only the part of the building and land appurtenant thereto used for the purposes of the police force of such municipality; or
- (b) vest the building and land appurtenant thereto in the Regional Corporation and enter into an agreement with such municipality or local board thereof for the use of a part of the building by such municipality or local board on such terms and conditions as may be agreed upon.

(4) Where the Regional Corporation assumes any property under subsection (1) or (2),

Regional
Corporation
liability

- (a) no compensation or damage shall be payable to the local municipality or local board except as provided in this subsection;
- (b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any property vested in the Regional Corporation; and
- (c) the Regional Corporation shall thereafter pay to the area municipality for the portion of any land or building vested in the Regional Corporation under this section that is not used for police purposes on the 1st day of July, 1973, such amount as may be agreed upon and failing agreement the Municipal Board, upon application, may determine the amount, and its decision is final, provided such amount shall not be greater than the capital expenditure for such portion of such land or building less the amount of any outstanding debt in respect of such portion. 1973, c. 70, s. 74 (3-5).

(5) If the Regional Corporation fails on or before the due date to make any payment required by clause (4) (b), the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 93 (1).

Default

(6) Where a building vested in a local municipality or local board is used partly by the police force of the municipi-

Accommoda-
tion

pality and is not vested in the Regional Corporation under this section, the area municipality at the request of the Halton Police Board on or after the 1st day of January, 1974, shall provide, at such rentals as may be agreed upon, at least as much accommodation in such building for the use of the Halton Police Board as was being provided by the local municipality for its police force on the 1st day of July, 1973, and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Office
supplies, etc.

(7) At the request of the Halton Police Board, each area municipality, for the use of the Halton Police Board,

- (a) shall transfer to the Regional Corporation without compensation all personal property, including office supplies and stationery in the possession of the area municipality on the 1st day of January, 1974, that was provided for the exclusive use of the police force of the area municipality; and
- (b) shall make available to the Regional Corporation all personal property the use of which was shared by the police force and any department or departments of the area municipality on the 1st day of January, 1974, on the same terms and to the same extent as the police force used the property before such date. 1973, c. 70, s. 74 (7, 8).

Transfer of
signal systems

(8) All signal and communication systems owned by any local municipality and used for the purposes of the police force of the municipality on the 1st day of July, 1973, or thereafter, are vested in the Regional Corporation for the use of the Halton Police Board on the 1st day of January, 1974, and no compensation shall be payable to the municipality therefor and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system, and, if the Regional Corporation fails to make any payment on or before such due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 93 (2).

Settling
of doubts

(9) In the event of any doubt as to whether,

- (a) any outstanding debt or portion thereof was incurred in respect of any property assumed; or
- (b) any land or building is used at least 40 per cent for the purposes of a police force,

the Municipal Board, upon application, may determine the matter and its decision is final. 1973, c. 70, s. 74 (10).

84. The Regional Corporation shall provide all real and personal property necessary for the purposes of the Halton Police Board. 1973, c. 70, s. 75.

Property
to be
provided

PART VIII

REGIONAL WATERWORKS SYSTEM

85.—(1) On and after the 1st day of January, 1975, the Regional Corporation has the sole responsibility for the supply and distribution of water in the Regional Area, including the establishment, construction, maintenance, operation, improvement and the extension of waterworks systems and the financing thereof and all the provisions of any general Act relating to such supply and distribution of water and the financing thereof by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to such supply and distribution of water and the financing thereof by an area municipality or a local board thereof, apply with necessary modifications to the Regional Corporation, except the power to establish a public utilities commission.

Supply and
distribution
of water
by Regional
Corporation

(2) The Regional Corporation may finance the whole or any part of the cost and debt charges of such supply and distribution of water by establishing one or more urban service areas with the approval of the Municipal Board, and raising the moneys required by imposing a rate or rates in such area or areas or may raise the moneys required by any other method or methods authorized by law or by any combination thereof.

Method of
financing

(3) If the Regional Corporation proceeds under the *Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the Regional Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the Regional Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the Regional Corporation.

Preparation
of special
assessment
rolls and
collection
of special
assessments
R.S.O. 1980,
c. 250

(4) Where the Regional Corporation does not proceed under the *Local Improvement Act* or under section 218 of the

Regional
Corporation
may require
area municip-
ality to
collect
moneys

R.S.O. 1980,
c. 302

Municipal Act, the Regional Corporation may require any area municipality to collect the sums required for financing such supply and distribution of water either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality and such special rate does not require the approval of the Municipal Board.

Approval of
O.M.B. to
undertaking,
etc.

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to such supply and distribution of water without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

Powers of
O.M.B.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection (5) and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

Area municipalities, no
power to
supply and
distribute
water

(7) Subject to subsection (13), on or after the 1st day of January, 1975, no area municipality has or shall exercise any powers under any Act for such supply and distribution of water, or the financing thereof.

Vesting of
property in
Regional
Corporation

(8) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely for the purpose of the supply and distribution of water and all other assets, liabilities and surpluses or deficits, including reserves, of the local municipalities relating to any facility for such supply and distribution of water in the Regional Area or for any area municipality is vested in the Regional Corporation effective the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Payments of
principal
and interest
to area municipalities

(9) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under subsection (8), but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under the *Local Improvement Act* is payable

R.S.O. 1980,
c. 250

as the owners' share of a local improvement work. 1974, c. 117, s. 41, *part*.

(10) If the Regional Corporation fails to make any payment as required by subsection (9), the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 94. Default

(11) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting such supply and distribution of water, the Regional Corporation shall, on and after the 1st day of January, 1974, stand in the place and stead of such municipality or local board for all purposes of any such agreement. Agreements

(12) The Regional Corporation may enter into agreements with the corporation of any adjoining municipality, including a regional, district or metropolitan municipality, with respect to the matters provided for in this Part. Idem

(13) The Regional Corporation may enter into an agreement with any area municipality or local board thereof regarding the recovery of the cost of the supply and distribution of water. Idem

(14) The clerk of an area municipality shall, on notice to him by the treasurer of the Regional Corporation of an amount due in respect of the supply of water and by whom it is due and the lands on which a lien is claimed, enter the amount due upon the collector's roll of the area municipality and subsections 30 (2), (3) and (4) of the *Public Utilities Act* apply and the moneys collected shall be forwarded to the treasurer of the Regional Corporation. Entry by clerk on collector's roll
R.S.O. 1980, c. 423

(15) All urban service areas as they exist on the 31st day of December, 1974, pertaining to the purposes of this Part, in an area municipality continue until such time as the Regional Council otherwise determines. 1974, c. 117, s. 41, *part*. Existing urban service areas

PART IX

REGIONAL SEWAGE WORKS

86.—(1) On and after the 1st day of January, 1975, the Regional Corporation, except as provided in subsection (12), has the sole responsibility for the collection and disposal of sewage. Regional Corporation, responsibility for collection and disposal of sewage

of all sewage in the Regional Area, including the establishment, construction, maintenance, operation and financing thereof, and all the provisions of any general Act relating to such collection and disposal of such sewage and the financing thereof by a municipal corporation or a local board thereof and all the provisions of any special Act relating to such collection and disposal of such sewage and the financing thereof by an area municipality or a local board thereof apply with necessary modifications to the Regional Corporation, except the power to establish a public utilities commission. 1974, c. 117, s. 41, *part*.

Method of
financing

(2) The Regional Corporation may finance the whole or any part of the cost, including the establishment, construction, maintenance, operation and debt charges, of collection and disposal of sewage,

R.S.O. 1980,
c. 31

(a) by imposing a surcharge on the water rate, which does not require the approval of the Municipal Board, and such surcharge shall be collectable in the same manner as water rates and shall be deemed to be a user charge and no property shall be exempt from such charge by reason only that it is exempt from taxation under section 3 of the *Assessment Act*;

(b) by establishing one or more urban service areas with the approval of the Municipal Board and imposing a rate or rates in such area or areas; or

(c) by any method or methods authorized by law or by any combination thereof. 1974, c. 117, s. 41, *part*; 1976, c. 70, s. 38.

Preparation
of special
assessment
rolls and
collection of
special
assessments

(3) If the Regional Corporation proceeds under the *Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the Regional Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the Regional Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the Regional Corporation.

Regional
Corporation
may require
area muni-
cipality to
collect
moneys
required

R.S.O. 1980,
cc. 250, 302

(4) Where the Regional Corporation does not proceed by imposing a surcharge on the water rate, or under the *Local Improvement Act*, or under section 218 of the *Municipal Act*, the Regional Corporation may require any area muni-

cipality to collect the sums required for financing the collection and disposal of sewage either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality and such special rate does not require the approval of the Municipal Board.

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to the collection and disposal of sewage without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

Approval of
O.M.B. to
undertaking,
etc.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection (5) and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

Powers of
O.M.B.

(7) Subject to subsection (15), on and after the 1st day of January, 1975, no area municipality has or shall exercise any powers under any Act for the collection and disposal of sewage, or the financing thereof, except as provided in subsection (12).

No area
municipality
to collect
and dispose
of sewage

(8) All sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage, including all assets and liabilities, surpluses, reserves and deficits of an area municipality relating thereto, except as provided in subsection (12), and all real and personal property of any nature whatsoever used solely for the purpose of the collection and disposal of such sewage in the Regional Area by any area municipality are vested in the Regional Corporation on the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Vesting of
property in
Regional
Corporation

(9) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under subsection (8), but nothing in this subsection requires the Regional Corporation

Regional
Corporation
liability

R.S.O. 1980,
c. 250

to pay that portion of the amounts of principal and interest that, under the *Local Improvement Act*, is payable as the owners' share of the local improvement work. 1974, c. 117, s. 41, *part*.

Default

(10) If the Regional Corporation fails to make any payment as required by subsection (9), the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 95.

Agreements

(11) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting the interception, collecting, settling, treating, dispersing, disposing or discharging of sewage, except as provided for in subsection (12), the Regional Corporation shall stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Area
municipality
responsibility
for storm
drainage

(12) Subject to subsection (13), each area municipality is responsible for land drainage, including storm, surface, overflow, subsurface, or seepage waters or other drainage from land, within the municipality and including the drainage of any road in the municipality that does not form part of the regional road system.

Regional
Corporation
may under-
take land
drainage
program

(13) The Regional Corporation may undertake such land drainage, including the assumption of any work or works of an area municipality pertaining thereto, in the whole or any part or parts of the Regional Area, and where the Regional Corporation does so the provisions of this Part apply, with necessary modifications, to the establishment, construction, maintenance, operation and financing thereof.

Agreements

(14) The Regional Corporation may enter into agreements with the corporation of any adjoining municipality, including a regional, district or metropolitan municipality with respect to the matters provided for in this Part.

Idem

(15) The Regional Corporation may enter into an agreement with any area municipality or local board thereof regarding the recovery of costs of the collection and disposal of sewage.

Existing
urban
service
areas

(16) All urban service areas as they exist on the 31st day of December, 1974, pertaining to the purposes of this Part, in an area municipality continue until such time as the Regional Council otherwise determines. 1974, c. 117, s. 41, *part*.

PART X

FINANCES

87. In this Part, "rateable property" includes business and other assessment made under the *Assessment Act*. 1973, c. 70, s. 78 (1). Interpretation

88.—(1) Section 169 of the *Municipal Act* applies with necessary modifications to the Regional Corporation. 1973, c. 70, s. 79. Investment of moneys not immediately required
R.S.O. 1980, c. 302

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of section 35 of the *Credit Unions and Caisses Populaires Act*. 1979, c. 81, s. 96. Deemed municipality for purposes of
R.S.O. 1980, c. 102, s. 35

YEARLY ESTIMATES AND LEVIES

89.—(1) The Regional Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the Regional Corporation, including the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Ministry may from time to time prescribe. Yearly estimates

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and amount as the Ministry may approve. Allowance to be made in estimates

(3) Section 33 of the *Assessment Act* and section 465 of the *Municipal Act* apply with necessary modifications to the Regional Corporation. 1973, c. 70, s. 80. Application of
R.S.O. 1980, cc. 31, 302

90.—(1) The Regional Council in each year shall levy against the area municipalities a sum sufficient, Levy on area municipalities

- (a) for payment of the estimated current annual expenditures as adopted; and
- (b) for payment of all debts of the Regional Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the Regional Corporation is liable under this Act.

Apportion-
ment

(2) The Regional Council shall ascertain and by by-law direct what portion of the sum mentioned in subsection (1) shall be levied against and in each area municipality.

Idem

(3) Subject to subsection (9), all amounts levied under subsection (1) shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the Regional Area, according to the last revised assessment rolls.

Equalized
assessment

(4) The Ministry of Revenue shall revise, equalize and weight the last revised assessment rolls of the area municipalities and, for the purpose of subsection (3), the last revised assessment rolls for the area municipalities as so revised, equalized and weighted by the Ministry of Revenue shall be deemed to be the last revised assessment rolls of the area municipalities.

Copy to
Regional
Corporation
and area
municipi-
palities

(5) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment, the Ministry of Revenue shall notify the Regional Corporation and each of the area municipalities of the revised, equalized and weighted assessment of each area municipality.

Appeal

(6) If any area municipality is not satisfied with the assessment as revised, equalized and weighted by the Ministry of Revenue, the area municipality may appeal from the decision of the Ministry of Revenue by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised, equalized and weighted assessment was sent to the area municipality by the Ministry of Revenue.

Idem

(7) Every notice of revision, equalization and weighting made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision, equalization and weighting.

Amendment
of by-law
where
necessary
following
appeal

(8) Where the last revised assessment of the area municipality has been revised, equalized and weighted by the Ministry of Revenue and has been appealed, the Regional Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection (2) so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and,

(a) where the moneys levied against an area municipality are thereby increased, the treasurer of the

area municipality shall pay the amount of the increase to the treasurer of the Regional Corporation ; and

(b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the treasurer of the Regional Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the treasurer of the Regional Corporation shall pay the amount of the decrease to the treasurer of the area municipality.

(9) The apportionment of the levy among the area municipalities as provided for in subsections (2) and (3) shall be based on the full value of all rateable property, and, notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 22 of the *Assessment Act*, or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of the *Assessment Act*.

Fixed assessments, etc., not to apply

R.S.O. 1980, c. 31

(10) The assessment upon which the levy shall be apportioned among the area municipalities shall include the valuations of all properties for which payments in lieu of taxes, which include a payment in respect of regional levies, are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or Ontario Hydro or under subsection 142 (6) to any area municipality and the amount by which the assessment of an area municipality shall be deemed to be increased by virtue of payments under sections 160 and 161 of the *Municipal Act* and section 4 of the *Provincial Parks Municipal Tax Assistance Act*, and subsection 8 (1) of the *Ontario Unconditional Grants Act*.

Assessment to include valuations on properties for which payments in lieu of taxes paid

R.S.O. 1980, cc. 302, 402, 359

(11) Within fourteen days of a request by the Ministry of Revenue, the clerk of an area municipality shall transmit to the said Ministry a statement of the payments referred to in subsection (10) and the said Ministry shall revise, equalize and weight the valuations of these payments and shall notify the Regional Corporation and the appropriate area municipality of such valuations.

Valuation of properties

(12) One by-law or several by-laws for making the levies may be passed as the Regional Council may consider expedient.

Levy by-laws

(13) Subject to subsections 36 (4), (5) and (6) of the *Assessment Act*, in each area municipality the regional levy shall be calculated and levied upon the whole rateable property rateable for such purpose within such area municipality according to the last revised assessment roll thereof.

Regional levy

Payment

(14) All moneys levied against an area municipality under the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the Regional Corporation and the treasurer of every area municipality shall pay the moneys so levied to the treasurer of the Regional Corporation at the times and in the amounts specified by the by-law of the Regional Council mentioned in subsection (2). 1973, c. 70, s. 81 (1-14).

Default

(15) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 15 per cent per annum, or such lower rate as the Regional Council determines, from the date payment is due until it is made. 1979, c. 81, s. 97.

Equalized
assessment
of merged
areas

91.—(1) The Ministry of Revenue shall revise, equalize and weight each part of the last revised assessment roll of the area municipalities that relates to a merged area and each such part of the last revised assessment roll of each of the area municipalities as revised, equalized and weighted is final and binding.

Notice

(2) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment in an area municipality under subsection (1), the Ministry of Revenue shall notify the area municipality of the revised, equalized and weighted assessment.

Apportion-
ment among
merged areas
R.S.O. 1980,
cc. 302, 31

(3) The net regional levy and the sums adopted in accordance with section 164 of the *Municipal Act* for all purposes, excluding school purposes, levied against the whole rateable property of an area municipality shall be apportioned among the merged areas of such area municipality in the proportion that the total equalized and weighted assessment of each merged area bears to the total equalized and weighted assessment of the area municipality both according to the last revised assessment roll as equalized and weighted by the Ministry of Revenue under subsection (1), and subsection 26 (9) of the *Assessment Act* shall not apply to any apportionment by an area municipality under this subsection. 1973, c. 70, s. 82 (1-3).

Levy by
Regional
Council
before
estimates
adopted

92.—(1) Notwithstanding section 90, the Regional Council may, before the adoption of estimates for the year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the Regional Council in the preceding year against that area municipality and subsections 90 (14) and (15) apply to such levy.

Levy under
s. 90, to be
reduced

(2) The amount of any levy made under subsection (1) shall be deducted from the amount of the levy made under section 90.

(3) Notwithstanding section 91, the council of an area municipality may in any year before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, on the whole of the assessment for real property including business assessment in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year of residential real property of public school supporters.

Levy by area municipality before estimates adopted

(4) The amount of any levy under subsection (3) shall be deducted from the amount of the levy made under section 91.

Levy under s. 91, be reduced

(5) Subsection 159 (5) of the *Municipal Act* applies to levies made under this section. 1973, c. 70, s. 83 (2-6).

Application of R.S.O. 1980, c. 302, s. 159 (5)

93.—(1) For the purposes of levying taxes under Part IV of the *Education Act*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the area municipality shall be deemed to be the council of each such merged area.

Rates under R.S.O. 1980, c. 129

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of the application of section 222 of the *Education Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 91 (1).

Rates for public school purposes on commercial assessment

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 222 of the *Education Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 91 (1).

Rates for public school purposes on residential assessment

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 222 of the *Education Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the area

Rates for secondary school purposes on commercial assessment

municipality, both as equalized by the Ministry of Revenue in accordance with subsection 91 (1).

Rates for secondary school purposes on residential assessment

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 222 of the *Education Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 91 (1).

Regulations under R.S.O. 1980, c. 129, to apply

(6) Notwithstanding subsections (2), (3), (4) and (5), where, in any year, a regulation is in force under section 214 of the *Education Act*, the apportionments referred to in the said subsections (2), (3), (4) and (5) shall be made in accordance with the regulation. 1973, c. 70, s. 84.

ADJUSTMENTS

Transitional adjustments

94. The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section. 1973, c. 70, s. 85.

RESERVE FUNDS

Reserve funds of municipalities

95.—(1) Reserve funds established by local municipalities for purposes for which the Regional Council has authority to spend funds and for which the council of an area municipality has no authority to spend funds are reserve funds of the Regional Corporation and the assets of such reserve funds are vested in the Regional Corporation.

Idem

(2) Reserve funds established by local municipalities, other than divided municipalities, for purposes for which the councils of area municipalities have authority to spend funds and for which the Regional Council has no authority to spend funds are reserve funds of the area municipality of which the local municipality forms a part and the assets of such reserve funds are vested in such area municipality. 1973, c. 70, s. 89.

96.—(1) The Regional Council may in each year provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds. 1976, c. 70, s. 39 (1). Reserve funds, establishment

(2) The moneys raised for a reserve fund established under subsection (1) shall be paid into a special account and may be invested in such securities as a trustee may invest in under the *Trustee Act*, and the earnings derived from the investment of such moneys form part of the reserve fund. 1973, c. 70, s. 90 (2). Investments and income
R.S.O. 1980, c. 512

(3) The moneys raised for a reserve fund established under subsection (1) shall not be expended, pledged or applied to any purpose other than that for which the fund was established, unless approved by the Regional Council. 1976, c. 70, s. 39 (2). Expenditure of reserve fund moneys

(4) The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection (1). 1973, c. 70, s. 90 (4). Auditor to report on reserve funds

TEMPORARY LOANS

97.—(1) The Regional Council may by by-law, either before or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize the chairman and treasurer to borrow from time to time by way of promissory note such sums as the Regional Council considers necessary to meet, until the levies and other revenues are received, the current expenditures of the Regional Corporation for the year, including the amounts required for principal and interest falling due within the year upon any debt of the Regional Corporation and the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation. Current borrowings

(2) The amount that may be borrowed at any one time for the purposes mentioned in subsection (1), together with any similar borrowings that have not been repaid, shall not, except with the approval of the Municipal Board, exceed 70 per cent of the uncollected balance of the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the year. Limit upon borrowings

(3) Until such estimates are adopted, the limitation upon borrowing prescribed by subsection (2) shall temporarily be calculated upon the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the next preceding year. Temporary application of estimates of preceding year

Protection
of lender

(4) The lender is not bound to establish the necessity of borrowing the sum lent or to see to its application.

Execution of
promissory
notes

(5) Any promissory note made under the authority of this section shall be sealed with the seal of the Regional Corporation and signed by the chairman or by some other person authorized by by-law to sign it, and by the treasurer, and may be expressed so as to bear interest only upon such money as may be borrowed thereon from the time when such money is actually lent.

Idem

(6) The signature of the chairman or any other person authorized to sign promissory notes may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

Creation
of charge

(7) The Regional Council may by by-law provide or authorize the chairman and treasurer to provide by agreement that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, be a charge upon the whole or any part or parts of the revenues of the Regional Corporation for the current year and for any preceding years as and when such revenues are received, provided that such charge does not defeat or affect and is subject to any prior charge then subsisting in favour of any other lender.

Execution of
agreements

(8) Any agreement entered into under subsection (7) shall be sealed with the corporate seal and signed by the chairman and treasurer.

Penalty
for excess
borrowings

(9) If the Regional Council authorizes the borrowing of or borrows any larger amount than is permitted under this section, every member who knowingly votes therefor is disqualified from holding any municipal office for two years.

Penalty
for mis-
application
of revenues
by Regional
Council

(10) If the Regional Council authorizes the application of any revenues of the Regional Corporation charged under the authority of this section otherwise than in repayment of the loan secured by such charge, the members who knowingly vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

(11) If any member of the Regional Council or officer of the Regional Corporation knowingly applies any revenues so charged otherwise than in repayment of the loan secured by such charge, he is personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Penalty
for mis-
application
of revenues
by officials

(12) Subsections (9), (10) and (11) do not apply to the Regional Council or any member of the Regional Council or officer of the Regional Corporation acting under an order or direction issued or made under the authority of the *Municipal Affairs Act*, nor do they apply in any case where application of the revenues of the Regional Corporation is made with the consent of the lender in whose favour a charge exists. 1977, c. 34, s. 34.

Saving
as to
penalties

R.S.O. 1980,
c. 303

98.—(1) Where the Regional Corporation has entered into an agreement under the *Ontario Water Resources Act*, whereby the Regional Corporation is entitled to receive moneys from the Crown, the Regional Council pending the receipt of any such moneys may, in order to meet expenditures incurred in carrying out the agreement, agree with a bank or a person for temporary advances from time to time.

Temporary
borrowing
R.S.O. 1980,
c. 361

(2) The proceeds of every advance under this section shall be applied to the expenditures incurred in carrying out the agreement made by the Regional Corporation under the *Ontario Water Resources Act*, but the lender shall not be bound to see to the application of the proceeds and, when the Regional Corporation has received the moneys to which it is entitled from the Crown under the said agreement, such moneys shall be applied first in repayment of the advances. 1976, c. 43, s. 77.

Application
of proceeds

DEBT

99.—(1) Subject to the limitations and restrictions in this Act and the *Ontario Municipal Board Act*, the Regional Council may borrow money for the purposes of,

Debt
R.S.O. 1980,
c. 347

- (a) the Regional Corporation;
- (b) any area municipality;
- (c) the joint purposes of any two or more area municipalities,

whether under this or any general or special Act, and may issue debentures therefor on the credit of the Regional Corporation.

Liability

(2) All debentures issued pursuant to a by-law passed by the Regional Council under the authority of this Act are direct, joint and several obligations of the Regional Corporation and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities, but nothing in this subsection affects the rights of the Regional Corporation and of the area municipalities respectively as among themselves.

Limitation

(3) Notwithstanding any general or special Act, no area municipality has, after the 31st day of December, 1973, power to issue debentures.

Uncompleted works

(4) When an area municipality, prior to the 31st day of December, 1973,

(a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 64 (1) of the *Ontario Municipal Board Act*; and

R.S.O. 1980,
c. 347

(b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

the Regional Council upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the Regional Corporation for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 102 and no further approval of the Municipal Board is required.

Bonds,
debentures,
etc., trustee
investments

(5) Bonds, debentures and other evidences of indebtedness of the Regional Corporation shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of the *Trustee Act*. 1973, c. 70, s. 92.

R.S.O. 1980,
c. 512

Power to
incur debt
or issue
debentures

100. Subject to the limitations and restrictions in this Act and the *Ontario Municipal Board Act*, the Regional Corporation may by by-law incur a debt or issue debentures for the purposes set forth in subsection 99 (1) and, notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the Regional Area. 1973, c. 70, s. 93.

101.—(1) Where, under any general or special Act, an area ^{Idem} municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the Regional Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence to the passing of the by-law by the Regional Council has been obtained.

(2) Nothing in subsection (1) requires the assent of any ^{Proviso} electors where such assent has been dispensed with under section 63 of the *Ontario Municipal Board Act*. 1973, c. 70, ^{R.S.O. 1980, c. 347} s. 94.

102.—(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council ^{Borrowing pending issue and sale of debentures} pending the issue and sale of the debentures may, agree with a bank or person for temporary advances from time to time for the purposes authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

(2) When the Municipal Board has authorized the borrow- ^{Idem} ing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of the area municipality, pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality. 1977, c. 34, s. 35 (1).

(3) The Regional Corporation may charge interest on any ^{Interest on proceeds transferred} proceeds of an advance or loan transferred under subsection (2) at a rate sufficient to reimburse it for the cost of such advance or loan.

(4) The proceeds of every advance or loan under this section shall be applied to the purposes for which the debentures ^{Application of proceeds of loan} were authorized, but the lender shall not be bound to see to the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied

first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality, the balance, subject to section 115, shall be transferred to the area municipality.

Hypothecation not to prevent subsequent sale of debentures

(5) Subject to subsection (4), the redemption of a debenture hypothecated does not prevent the subsequent sale thereof. 1973, c. 70, s. 95 (3-5).

Signature of chairman, etc., may be mechanically reproduced

(6) The signature of the chairman or any person authorized to sign loan agreements may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on loan agreements made under this section and, if such loan agreement is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced. 1977, c. 34, s. 35 (2).

Principal and interest payments

103.—(1) Subject to subsection (2), a money by-law for the issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest.

Sinking fund debentures

(2) A money by-law for the issuing of debentures may provide that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case debentures issued under the by-law shall be known as sinking fund debentures.

When debentures to be payable

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve.

Special levy against area municipalities

(4) The by-law may provide for raising in each year, by special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each area municipality shall pay to the Regional Corporation such sums at the times and in the amounts specified in the by-law.

General levy

(5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by

any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law.

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection (4) may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection (4).

Levy by
area muni-
cipalities

(7) Notwithstanding subsection (5), the Regional Council may by by-law,

Instalment
debentures
and debentures
to refund
existing
debentures
at maturity

(a) authorize the borrowing of money by the issue of instalment debentures, the last instalment of which shall mature not earlier than ten years after the date upon which they are issued, and a specified sum of principal payable thereunder in the final year shall be raised by the issue of refunding debentures as provided in clause (b), and it shall not be necessary to raise by special rate in the year of maturity of the debentures to be refunded an amount equal to the specified principal amount of the debentures which are being refunded; and

(b) authorize the issue of debentures to refund at maturity outstanding debentures of the municipality, provided that the refunding debentures shall be payable within the maximum period of years that was approved by the order of the Municipal Board for the repayment of debentures issued for the debt for which the outstanding debentures were issued, commencing on the date of the debentures originally issued for such debt,

and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a special levy or levies against such area municipality or municipalities as may be specified in the by-law and such levy shall be levied against the same area municipality or municipalities in each case.

(8) Any special levy against an area municipality imposed by the by-law under the authority of subsection (7) may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the

Levy

portion of the debt levied against it under subsection (7), and any levy imposed by a by-law under clause (7) (b) shall be levied by the area municipality against the same persons or property as the levy imposed by the related by-law under clause (7) (a) was levied.

Levies
a debt

(9) All levies imposed by the by-law against an area municipality are a debt of the area municipality to the Regional Corporation.

By-law
to change
mode of
issuing
debentures

(10) The Regional Council may by by-law authorize a change in the mode of issue of the debentures and may provide that the debentures be issued with coupons instead of in amounts of combined principal and interest or *vice versa*, and where any debentures issued under the by-law have been sold, pledged or hypothecated by the Regional Council upon again acquiring them or at the request of any holder of them, may cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year. 1973, c. 70, s. 96 (1-10).

Debentures,
when to be
dated and
issued

(11) All the debentures shall be issued within two years after the passing of the by-laws unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the Regional Council it would not be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law. 1973, c. 70, s. 96 (11); 1976, c. 43, s. 78 (1).

Date of
debentures

(12) All the debentures shall bear the same date, except where they are issued in sets, in which case every debenture of the same set shall bear the same date.

Idem

(13) Notwithstanding the provisions of the by-law, the debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection (11) and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.

(14) The Municipal Board, on the application of the Regional Council, the council of any area municipality or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

Extension
of time
for issue

(15) The extension may be made although the application is not made until after the expiration of the two years or of the time provided for the issue of the set.

Application
after time
expired

(16) Unless the by-law names a later day when it is to take effect, it takes effect on the day of its passing.

Effective
date

(17) Notwithstanding any general or special Act, the Regional Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor.

Consolida-
tion

(18) Section 145 of the *Municipal Act* applies with necessary modifications to the Regional Corporation.

Consolidat-
ing debenture
by-laws
R.S.O. 1980,
c. 302

(19) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the Regional Corporation on any date prior to maturity, subject to the following provisions:

Redemption
before
maturity

1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and the amount at which such debenture may be so redeemed.
2. The principal of every debenture that is so redeemable becomes due and payable on the date set for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of principal thereof, the interest to the date set for redemption and any premium payable on redemption.
3. Notice of intention so to redeem shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.
4. At least thirty days prior to the date set for such redemption notice of intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the Regional

Area and in such other manner as the by-law may provide.

5. Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debentures issued under the by-law shall be called for such redemption in priority to any debentures that have a later maturity date.
6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council in respect of the debenture so redeemed.

Currency

(20) The by-law may provide that the debentures to be issued thereunder shall be expressed and be payable,

- (a) in lawful money of Canada and payable in Canada; or
- (b) in lawful money of the United States of America and payable in the United States of America; or
- (c) in lawful money of Great Britain and payable in Great Britain; or
- (d) subject to the prior approval of the Lieutenant Governor in Council, in a currency other than that of Canada, the United States of America or Great Britain.

Annual
rates

(21) Where under the provisions of the by-law debentures issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, or in any currency other than that of Canada, the Regional Council may in such by-law or in any amending by-law in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in such year, provided that there shall be raised such yearly amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary.

(22) When sinking fund debentures are issued, the amount of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding 5 per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due. Principal levies

(23) When sinking fund debentures are issued, the sinking fund committee shall keep one or more consolidated bank accounts in which, Consolidated bank accounts

(a) the treasurer of the Regional Corporation shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and

(b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments.

(24) When sinking fund debentures are issued, there shall be a sinking fund committee that shall be composed of the treasurer of the Regional Corporation and two members appointed by the Regional Council, and the two appointed members may be paid, out of the current fund of the Regional Corporation, such annual remuneration as the Regional Council determines. 1973, c. 70, s. 96 (12-24). Sinking fund committee

(25) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member and any such alternate member may be paid, out of the current fund of the Regional Corporation, such remuneration as the Regional Council determines. 1976, c. 70, s. 40. Alternate members

(26) The treasurer of the Regional Corporation shall be the chairman and the treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer. Chairman

(27) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, in such amount as the auditor of the Regional Corporation shall determine, and in other respects the provisions of section 94 of the *Municipal Act* apply with respect to such security. Security

Quorum

(28) Two members of the sinking fund committee are a quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee.

Control of sinking fund assets

(29) All assets of the sinking funds, including all consolidated bank accounts, shall be under the sole control and management of the sinking fund committee.

Withdrawals from bank accounts

(30) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all cheques on the consolidated bank accounts shall be signed by the chairman or acting chairman and one other member of the sinking fund committee.

Investments

(31) The sinking fund committee shall invest any moneys on deposit from time to time in the consolidated bank accounts and may at any time or times vary any investments. 1973, c. 70, s. 96 (26-31).

Idem

(32) The moneys in the consolidated bank accounts shall be invested in one or more of the following forms,

R.S.O. 1980,
c. 512

(a) in securities in which a trustee may invest under the *Trustee Act*;

(b) in debentures of the Regional Corporation;

(c) in temporary advances to the Regional Corporation pending the issue and sale of any debentures of the Regional Corporation;

(d) in temporary loans to the Regional Corporation for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made;

(e) in securities issued or unconditionally guaranteed as to principal and interest by the United States of America;

(f) in such other securities as are authorized by the Lieutenant Governor in Council. 1973, c. 70, s. 96 (32); 1976, c. 43, s. 78 (2).

Deposit of securities with Treasurer of Ontario

(33) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be deposited with the Treasurer of Ontario.

Release of securities by Treasurer of Ontario

(34) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under subsec-

tion (33) only upon the direction in writing of the sinking fund committee.

(35) All sinking fund debentures issued on the same date, payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws, shall be deemed one debt and be represented by one sinking fund account. Sinking fund accounts

(36) That portion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments obtained by, Earnings credited to sinking fund accounts

(a) multiplying the amount of all such earnings by the amount of the capitalized interest for that year under subsection (22) with respect to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account ; and

(b) dividing the product obtained under clause (a) by the amount of all capitalized interest for that year under subsection (22) with respect to all principal raised up to and including such year for all outstanding sinking fund debentures,

shall be credited to the sinking fund account mentioned in clause (a).

(37) The treasurer of the Regional Corporation shall prepare and lay before the Regional Council in each year, before the annual regional levies are made, a statement showing the sums that the Regional Council will be required, by by-law, to raise for sinking funds in that year. Sinking fund requirements

(38) If the treasurer of the Regional Corporation contravenes subsection (23) or (37), he is guilty of an offence and on conviction is liable to a fine of not more than \$250. Offence

(39) If the Regional Council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the Regional Council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount. Failure to levy

(40) Notwithstanding this or any other Act or by-law if it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the estimated earnings to be credited thereto under subsection (36) together with the levy required to be made by the by-law Where amount in sinking fund account more than sufficient to pay debt

or by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of the debt represented by such sinking fund account when it matures, the Municipal Board, on the application of the sinking fund committee, the Regional Council or the council of an area municipality, may authorize the Regional Council or the council of an area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board.

No
diversion
of sinking
funds

(41) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the Regional Corporation or otherwise than is provided in this section.

Surplus

(42) When there is a surplus in a sinking fund account, the sinking fund committee shall,

- (a) use the surplus to increase the amount at the credit of another sinking fund account ; or
- (b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes,
 - (i) to retire unmatured debentures of the Regional Corporation or of an area municipality,
 - (ii) to reduce the next annual levy on account of principal and interest payable with respect to debentures of the Regional Corporation or of an area municipality,
 - (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause (a) or (b) for the purposes of the Regional Corporation or an area municipality in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

Deficit and
surplus

(43) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities, any deficit in the sinking fund account shall be provided by the Regional Corporation out of its current funds

and any surplus in the sinking fund account shall be used as provided in subsection (42).

(44) A money by-law may authorize the issue of debentures of which a portion shall be payable on a fixed date with interest payable annually or semi-annually, in which case such debentures shall be known as term debentures.

Term
debentures

(45) In respect of the term debentures, the by-law shall provide for raising,

Amounts to
be raised
annually

(a) in each year of the currency of the term debentures a sum sufficient to pay the interest on the term debentures; and

(b) in each year of the currency of the term debentures in which no other debentures issued under the same by-law become due and payable, a specific amount to form a retirement fund for the term debentures which, with interest at a rate not to exceed 5 per cent per annum compounded yearly, will be sufficient to pay the principal of the term debentures at maturity. 1973, c. 70, s. 96 (33-45).

(46) The retirement fund for the term debentures shall be administered by the sinking fund committee in all respects in the same manner as a sinking fund established under this section, and the provisions of subsections (23) to (43) of this section with respect to a sinking fund shall apply with necessary modifications to such retirement fund. 1973, c. 70, s. 96 (46); 1976, c. 43, s. 78 (3).

Retirement
fund

(47) Notwithstanding the provisions of any general or special Act or any difference in date of issue or maturity, every debenture issued shall rank concurrently and *pari passu* in respect of payment of principal and interest thereon with all other debentures of the Regional Corporation except as to the availability of any sinking funds applicable to any particular issue of debentures. 1976, c. 43, s. 78 (4).

All
debentures
rank equally

104. Notwithstanding any other provisions of this Act,

(a) a money by-law of the Regional Council may provide that all or a portion of the debentures to be issued thereunder shall be payable on a fixed date, subject to the obligation of the Regional Corporation to

Debentures
payable on
a fixed date
subject to
the annual
redemption
by lot of a
specified
principal
amount

redeem by lot annually on each anniversary of the date of such debentures a specified principal amount of such debentures upon payment by the Regional Corporation of such principal amount plus accrued interest to the date of redemption and upon giving notice as provided in this section;

interest
ceases to
accrue on
date set for
redemption

- (b) the principal amount of every debenture that is called for redemption shall become due and payable on the date set for the redemption thereof and, after such date, interest ceases to accrue thereon where provision is duly made by the Regional Corporation for the payment of the principal amount thereof;

debentures
to be
redeemed
may be
purchased

- (c) the debentures to be redeemed on each anniversary of the date of such debentures shall be selected by lot by the treasurer of the Regional Corporation at a public meeting of the Regional Council and when redeemed shall be cancelled and shall not be reissued, provided always that the principal amount of the debentures to be redeemed in any year may be reduced by the principal amount of any debentures purchased by the Regional Corporation, at a price or prices not exceeding the principal amount thereof, and surrendered for cancellation on the date fixed for redemption;

notice to
redeem to
be sent by
mail

- (d) notice of intention to redeem any debenture shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person, if any, in whose name the debenture may be registered at the address shown in the Debenture Registry Book;

notice to
redeem to
be published

- (e) notice of intention to redeem any debenture shall be published at least thirty days prior to the date set for such redemption in such manner as the by-law may provide;

where only
portion of
debentures
payable on
fixed date

- (f) where only a portion of the debentures issued under a by-law is payable on a fixed date, the obligation of the Regional Corporation to redeem by lot annually a specified principal amount of such debentures does not apply in any year in which an instalment of principal of the remaining debentures issued under such by-law becomes due and payable; and

annual
amounts
payable
to be
approxi-
mately equal

- (g) the aggregate amounts of principal and interest, or the amounts of principal, payable in each year during

the currency of debentures issued under this section shall be approximately equal. 1976, c. 43, s. 79.

105.—(1) Subsection 152 (1) of the *Municipal Act* applies with necessary modifications to the Regional Council. 1976, c. 70, s. 41.

Application of
R.S.O. 1980,
c. 302, s. 152
(1)

(2) For the purposes of this section, the hypothecation of debentures under section 102 shall not constitute a sale or other disposal thereof.

Hypotheca-
tion not a
sale under
this section

(3) The Regional Council may by one by-law authorized under subsection (1) amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder.

Consolida-
tion of
debentures

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council. 1973, c. 70, s. 97 (2-4).

Special
assessment
and levies

106.—(1) Where part only of a sum of money provided for by a by-law has been raised, the Regional Council may repeal the by-law as to any part of the residue, and as a proportionate part of the amounts to be raised annually.

Repeal of
by-law when
part only
of money
to be raised

(2) The repealing by-law shall recite the facts on which it is founded, shall provide that it shall take effect on the 31st day of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board. 1973, c. 70, s. 98.

When to
take effect

107.—(1) Subject to section 106, after a debt has been contracted under a by-law, the Regional Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not alter any such by-law so as to diminish the amount to be raised annually, and shall not apply to any other purpose any money of the Regional Corporation that has been directed to be applied to such payment.

Until debt
paid certain
by-laws
cannot be
repealed

(2) When the Regional Corporation, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding

Application
of payments

debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply any of the moneys so paid for any purpose other than the payment of the amounts of principal and interest so becoming due. 1973, c. 70, s. 99.

Offence for neglect of officer to carry out by-law

108. Any officer of the Regional Corporation whose duty it is to carry into effect any of the provisions of a money by-law of the Regional Corporation who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on conviction is liable to a fine of not more than \$100. 1973, c. 70, s. 100.

Money by-laws may be registered

109.—(1) Within four weeks after the passing of a money by-law, the clerk may register a duplicate original or a copy of it, certified under his hand and the seal of the Regional Corporation, in the appropriate land registry office.

Application to quash registered by-law, when to be made
R.S.O. 1980, cc. 347, 126, 250

(2) Subject to section 61 of the *Ontario Municipal Board Act*, every by-law registered in accordance with subsection (1), or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under the *Drainage Act*, or the *Local Improvement Act*, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought, is registered in such registry office within such period of three months or one month, as the case may be.

Time when by-law to be valid and binding

(3) After the expiration of the period prescribed by subsection (2), if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms.

Quashing part of by-law

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection (2), but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, is after the expiration of that period, valid and binding according to its terms.

Dismissal of application

(5) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered, and after such dismissal and the expiration of the period prescribed by

subsection (2), if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms.

(6) Nothing in this section makes valid a by-law passed without the assent of the electors of an area municipality as required by subsection 101 (1) or a by-law where it appears on the face of it that any of the provisions of subsection 103 (5) have not been substantially complied with.

Illegal
by-laws not
validated

(7) Failure to register a by-law as prescribed by this section does not invalidate it. 1973, c. 70, s. 101.

Failure
to register

110.—(1) A debenture or other like instrument shall be sealed with the seal of the Regional Corporation, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection (3), shall be signed by the chairman, or by some other person authorized by by-law of the Regional Corporation to sign it, and by the treasurer.

Debentures,
how sealed
and executed

(2) A debenture may have attached to it interest coupons that shall be signed by the treasurer and his signature may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the treasurer on the date the Regional Council authorized the execution of the debenture or on the date the debenture bears or at the time the debenture was issued and delivered.

Interest
coupons

(3) The signature of the chairman, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and if the debenture or other like instruments are countersigned in writing by a person authorized by by-law of the Regional Corporation to countersign, the signature of the treasurer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon.

Mechanical
reproduction
of signatures

(4) The seal of the Regional Corporation when so engraved, lithographed, printed or otherwise mechanically reproduced has the same force and effect as if manually affixed and the signature of the chairman or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the treasurer when so engraved, lithographed, printed or otherwise mechanically reproduced shall be deemed the signature of the chairman or other

Effect of
mechanical
reproduction

person so authorized to sign or of the treasurer, as the case may be, and is binding upon the Regional Corporation.

Sufficiency
of signatures

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signature of the persons provided in this section if such persons had authority to sign and countersign as provided in this section either on the date the Regional Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered. 1973, c. 70, s. 102.

Debentures
on which
payment has
been made
for one year
to be valid

111. Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the Regional Corporation, the by-law and the debentures issued under it are valid and binding upon the Regional Corporation. 1973, c. 70, s. 103.

Mode of
transfer
may be
prescribed

112.—(1) Where a debenture contains or has endorsed upon it provision to the following effect:

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the treasurer of this Corporation (or by such other person authorized by by-law of this Corporation to endorse such certificate of ownership), transferable except by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the

.....

.....

of.....

the treasurer (or such other persons so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book to be called the Debenture Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.

Require-
ments as to
endorsing
certificate of
ownership

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the treasurer.

Transfer by
entry in
Debenture
Registry
Book

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a

provision to the like effect of the provision contained in subsection (1), is transferable only by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors.

(4) A debenture may be registered as to both principal and interest, in which case the interest thereon shall be paid by cheque and the debenture may be referred to as a fully registered debenture. 1973, c. 70, s. 104.

Registration of debenture as to principal and interest

(5) Where debentures are payable in a currency other than that of Canada, the Regional Council may provide that the Debenture Registry Book of the Regional Corporation in respect of such debentures be maintained outside Canada by a corporation or person other than the treasurer and may make such other provisions for the registration and transfer of such debentures as the Regional Council considers appropriate. 1976, c. 43, s. 80.

When Debenture Registry Book may be maintained outside Canada

113. Where a debenture is defaced, lost or destroyed, the Regional Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide. 1973, c. 70, s. 105.

Replacement of lost debentures

114.—(1) On request of the holder of any debenture issued by the Regional Corporation, the treasurer of the Regional Corporation may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount.

Exchange of debentures

(2) On the request of the sinking fund committee, the treasurer of the Regional Corporation may, as provided in this section, exchange debentures heretofore or hereafter issued by the Regional Corporation.

On request of sinking fund committee

(3) Any new debenture mentioned in subsection (1) may be registered as to principal and interest but in all other respects shall be of the same force and effect as the debenture or debentures surrendered for exchange.

New debenture of same force and effect as debenture surrendered

(4) The treasurer and auditor of the Regional Corporation shall cancel and destroy all debentures surrendered for exchange and shall certify in the Debenture Registry Book that they have been cancelled and destroyed and shall

Debentures surrendered for exchange to be cancelled

also enter in the Debenture Registry Book particulars of any new debenture issued in exchange. 1973, c. 70, s. 106.

Application
of proceeds
of debentures

115.—(1) The moneys received by the Regional Corporation from the sale or hypothecation of any debentures to the extent that such moneys are required for the purposes for which the debentures were issued, and for the repayment of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes.

Idem

(2) None of the moneys received by the Regional Corporation from the sale or hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the Regional Corporation or an area municipality.

Surplus

(3) Where on the sale of any debenture an amount is realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied,

- (a) if any such debentures are redeemable prior to maturity at the option of the Regional Corporation, to redeem one or more of the debentures having the latest maturity date; or
- (b) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or
- (c) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

Deficiency

(4) Where on the sale of any debentures a deficiency in the amount required for the purpose or purposes for which the debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes. 1973, c. 70, s. 107.

116. Where real or personal property acquired out of moneys received by the Regional Corporation from the sale of hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied as an excess in accordance with subsection 115 (3) or, with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the property disposed of or sold. 1973, c. 70, s. 108.

Use of
proceeds of
sale of
asset
acquired
from
proceeds of
sale of
debentures

117. When the Regional Corporation intends to borrow money on debentures under this or any other Act, the Regional Council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par. 1973, c. 70, s. 109.

Tenders for
debentures

118.—(1) The Regional Council shall,

Accounts,
how to be
kept

(a) keep a separate account of every debenture debt;

(b) where the whole of a debenture debt is not payable in the current year, keep in respect thereof,

(i) an additional account for the interest, if any,
and

(ii) an additional account for the sinking fund or
the instalments of principal,

distinguished from all other accounts by a prefix designating the purpose for which the debenture debt was contracted; and

(c) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

(2) The Regional Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt. 1973, c. 70, s. 110.

Consolidated
interest
account

Application
of surplus
money

119. If, in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of principal. 1973, c. 70, s. 111.

Liability
of members

120.—(1) If the Regional Council applies any money raised for a special purpose or collected for a sinking fund in payment of current or other expenditure, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Action by
ratepayer

(2) If the Regional Council, upon the request in writing of a ratepayer of any area municipality refuses or neglects for one month to bring an action therefor, the action may be brought by any such ratepayer on behalf of himself and all other ratepayers in the Regional Area.

Disquali-
fication

(3) The members who vote for such application are disqualified from holding any municipal office for two years. 1973, c. 70, s. 112.

Refinancing
of debentures

121. When, by or under the authority of this Act, the Regional Corporation is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the Regional Corporation may, with the approval of the Municipal Board,

- (a) cancel all such debentures that have not been sold and issue new debentures of the Regional Corporation in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board, for the purposes for which such debentures were issued;
- (b) arrange with the area municipality for the redemption of all such debentures as are redeemable and issue new debentures of the Regional Corporation to raise the moneys required for such redemption; and
- (c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the Regional Corporation to raise the money required to complete such purchase. 1973, c. 70, s. 113.

PART XI

GENERAL

122.—(1) Sections 5, 84, 85, 90, 92, 93, 94 and 96, subsections 98 (1), (4) and (5), sections 99, 100, 105, 106, 109, 113, 116, 117 and 121, subsection 165 (3), sections 190 and 205, paragraphs 3, 10, 11, 12, 23, 24, 30, 45, 46, 47, 48, 49, 50 and 54 of section 208, subparagraph iii of paragraph 62 and subparagraph ii of paragraph 125 of section 210, paragraph 10 of section 315 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation. 1979, c. 81, s. 98 (1).

Application of
R.S.O. 1980,
c. 302

(2) Where the Regional Council passes a by-law under subsection 219 (1) of the *Municipal Act*, the council of any area municipality may exercise the powers contained in subsections (6), (7) and (8) of that section as if the by-law passed by the Regional Council had been passed by the council of such area municipality. 1974, c. 117, s. 42 (2).

Loans re
sewer and
water
connections

(3) Sections 10 and 11 and, subject to subsection 2 (6), subsection 14 (2) of the *Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, within the Regional Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature.

Erections,
annexations
and amal-
gamations

(4) The Regional Corporation shall be considered to be a local municipality for the purposes of paragraphs 98 and 129 of section 210 and section 253 of the *Municipal Act*.

Public trans-
portation
systems,
refuse
disposal,
entertain-
ment
expenses,
etc.

(5) Notwithstanding any other provision in this Act, the Regional Council may pass a by-law authorizing the head of the department concerned to grant the approval required by subsection 33 (2) and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted. 1973, c. 70, s. 115 (3-5).

Delegation
of approval

(6) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 13 of the *Mortmain and Charitable Uses Act*. 1977, c. 34, s. 36 (2).

Application of
R.S.O. 1980,
c. 297, s. 13

(7) The Regional Corporation shall be deemed to be, and to have always been, a municipality for the purposes of section 311 of the *Municipal Act*. 1979, c. 81, s. 98 (2).

Deemed
municipality
for purposes of
R.S.O. 1980,
c. 302, s. 311

(8) Every by-law of a local municipality as it exists on the 31st day of December, 1973, shall remain in force in the area

By-laws

of the former local municipality on and after the 1st day of January, 1974, and may be amended or repealed by the council of an area municipality as it affects such area municipality. 1973, c. 70, s. 115 (7).

Idem

(9) Where any local municipality has passed a by-law that, prior to its coming into force, requires the approval of any minister of the Crown, any provincial ministry, the Municipal Board or any provincial body or agency, and such approval has not been obtained prior to the 31st day of December, 1973, the council of the successor area municipality to such local municipality shall be entitled to initiate or continue the procedure required to obtain such approval to the by-law passed by the local municipality in so far as it pertains to such area municipality, and the provisions of subsection (8) apply with necessary modifications to any such by-law. 1974, c. 5, s. 4.

Vesting of
transporta-
tion system
assets in
Regional
Corporation

(10) In the event that the Regional Corporation establishes a transportation system in accordance with the provisions of subsection (4), no area municipality shall operate such a system and all the assets and liabilities of any area municipality used for a public transportation system vest in the Regional Corporation on the day such regional transportation system is established, without compensation, and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such assets. 1973, c. 70, s. 115 (9).

Default

(11) If the Regional Corporation fails, on or before the due date, to make any payment required by subsection (10), the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 98 (3).

Emergency
measures,
civil defence

123.—(1) The Regional Council may pass by-laws,

- (a) for the establishment and maintenance of an emergency measures civil defence organization in the Regional Area; and
- (b) for providing moneys for emergency measures and civil defence, for the purposes of the emergency measures civil defence organization and for the cost of the operation of such organization, and for other similar work in the Regional Area,

and when a by-law passed under this subsection is in force in the Regional Area, any by-laws passed by the council of an area municipality under subclauses 209 (b) (ii) and (iii) of the *Municipal Act* have no effect.

(2) When a by-law passed under clause (1) (a) is in force, the Regional Council may pass by-laws,

Powers of
Regional
Council re
emergency
measures

- (a) with the consent of the area municipality or local board concerned, for appointing heads of departments and alternates to be members of or advisors to the emergency measures planning committee or any subcommittee thereof;
- (b) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their emergency functions;
- (c) for appointing members of the emergency measures planning committee or of any subcommittee thereof to be in charge of such departments or utilities throughout the Regional Area, as the by-law may provide, when an emergency has been proclaimed under the *War Measures Act* (Canada);
- (d) for acquiring alternative headquarters for the Regional Government outside the Regional Area;
- (e) for obtaining and distributing emergency materials, equipment and supplies; and
- (f) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack. 1973, c. 70, s. 116 (1, 2).

R.S.C. 1970,
c. W-2

124.—(1) The Regional Corporation may make expenditures for the purpose of diffusing information respecting the advantages of the regional municipality as an industrial, business, educational, residential or vacation centre. 1973, c. 70, s. 117 (1); 1976, c. 43, s. 82.

Expenditures
for diffusing
information

(2) Paragraph 50 of section 210 and paragraph 22 of section 208 of the *Municipal Act* apply with necessary modifications to the Regional Corporation, and no area municipality shall exercise any such powers, save and except in respect of those lands acquired or held by a local municipality on or before the 31st day of December, 1973. 1973, c. 70, s. 117 (2).

Application of
R.S.O. 1980,
c. 302

(3) In the event that any employee is required to remain on the staff of any area municipality to complete the

Application
of s. 25

function referred to in subsection (2), the provisions of section 25 apply with necessary modifications to such employee on the date he is transferred to the Regional Corporation. 1973, c. 162, s. 9.

Payment
of damages
to employees

R.S.O. 1980,
c. 539

125. Where, in an action or by the settlement of a claim arising out of any injury to an employee including a member of the Halton Regional Police Force, or to any person considered an employee for the purposes of the *Workmen's Compensation Act*, the Regional Corporation recovers damages from a third person, such damages, or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the Regional Corporation may impose. 1973, c. 70, s. 119.

Investiga-
tion by
county judge
of charges of
malfeasance

R.S.O. 1980,
c. 411

126.—(1) Where the Regional Council passes a resolution requesting a judge of the county court within the Regional Area or a judge of the county court of a county or judicial district adjoining the Regional Area, to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the Regional Council, or an officer or employee of the Regional Corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the Regional Corporation, or to inquire into or concerning any matter connected with the good government of the Regional Corporation or the conduct of any part of its public business, including any business conducted by a local board of the Regional Corporation, the judge shall make the inquiry and for that purpose has all the powers that may be conferred on a commission under Part II of the *Public Inquiries Act*; and he shall, with all convenient speed, report to the Regional Council the result of the inquiry and the evidence taken.

Fees payable
to judge

R.S.O. 1980,
c. 223

(2) The judge shall be paid by the Regional Corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under the *Judicature Act*.

Engaging
counsel

(3) The Regional Council may engage and pay counsel to represent the Regional Corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the Regional Corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel.

Idem

(4) The judge may engage counsel and such other assistants and staff and incur such incidental expenses as he considers advisable for the proper conduct of the investigation or

inquiry, and the Regional Corporation shall pay the costs thereof. 1973, c. 70, s. 120.

127.—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into any of the affairs of the Regional Corporation or a local board thereof, and any matter connected therewith, and the commission has all the powers that may be conferred on a commission under Part II of the *Public Inquiries Act*. Commission of inquiry
R.S.O. 1980,
c. 411

(2) A commission may be recommended at the instance of the Ministry or upon the request in writing of not less than one-third of the members of the Regional Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein. When commission may issue

(3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and are subject to such division between the Regional Corporation and the Province as the Lieutenant Governor in Council may direct. 1973, c. 70, s. 121. Expenses of commission

128. The Regional Corporation for its purposes may enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor, but all such highways, lanes and other public communications shall be restored to their original condition without unnecessary delay. 1973, c. 70, s. 122. Entry on highways, etc.

129. The Regional Corporation and any area municipality may enter into agreements for the use within any part of the Regional Area of the services of their respective officers, employees and equipment on any such terms and conditions as the councils deem necessary. 1973, c. 70, s. 123. Agreements re services

130.—(1) For the purposes of paragraph 9 of section 3 and section 26 of the *Assessment Act*, the Regional Corporation shall be deemed to be a municipality. Application of
R.S.O. 1980,
c. 31

(2) For the purposes of paragraph 9 of section 3 of the *Assessment Act*, where property belonging to the Regional Corporation is occupied by an area municipality or where property belonging to an area municipality is occupied by the Regional Corporation or another area municipality, the occupant shall not be considered to be a tenant or lessee, whether rent is paid for such occupation or not. Regional Corporation and area municipalities deemed not tenants

Interpre-
tation

(3) In subsection (2), "Regional Corporation" and "area municipality" include a local board thereof. 1973, c. 70, s. 124.

Execution
against
Regional
Corporation

131.—(1) An execution against the Regional Corporation may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following:

1. The sheriff shall deliver a copy of the writ and endorsement to the treasurer of the Regional Corporation, or leave such copy at the office or dwelling place of the treasurer, with a statement in writing of the sheriff's fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.
2. If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the Regional Council for general purposes are apportioned among the area municipalities, determine the portion of the amount mentioned in the statement that shall be levied against and in each area municipality.
3. The sheriff shall then in like manner as rates struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the execution, and in determining such amount he may make such addition to the same as the sheriff considers sufficient to cover its share of the interest up to the time when the rate will probably be available and his own fees and poundage.
4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality and shall annex to the precept the roll of such rate and shall by the precept, after reciting the writ and that the Regional Corporation has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect to the general annual rates.

5. If, at the time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he shall add a column thereto, headed "Execution in A.B. vs. The Regional Municipality of Halton" (adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.
6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same to the treasurer of the area municipality.

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect, or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be considered to be officers of the court out of which the writ issued, and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them. 1973, c. 70, s. 125.

132.—(1) The Corporation of the County of Halton is dissolved on the 1st day of January, 1974, and the Regional Corporation shall stand in the place and stead of the County of Halton in any agreements to which such county was a party.

(2) All the assets and liabilities of the County of Halton become, on the 1st day of January, 1974, the assets and liabilities of the Regional Corporation, and all documents and records kept by the clerk or treasurer or any other officer of the County of Halton shall be transferred to the clerk, and on the same date the Police Village of Eden Mills is withdrawn from the County of Halton. 1973, c. 70, s. 126.

133.—(1) Except as provided in this Act the Municipal Board, upon the application of any area municipality or the Regional Corporation, may exercise any of the powers under clauses 14 (11) (a), (b) and (d) of the *Municipal Act* in relation to the dissolution of the County of Halton.

Function
of clerk,
collector
and assessor

County
dissolved

Assets and
liabilities,
etc.

Powers of
Municipal
Board

R.S.O. 1980,
c. 302

Settling
of doubts

(2) In the event of any doubt as to whether any particular asset or liability is vested in the Regional Corporation under this Act, the Municipal Board upon application has power to determine the matter as sole arbitrator and sections 94 and 95 of the *Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such power.

R.S.O. 1980,
c. 347

Idem

(3) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of any asset assumed by or vested in the Regional Corporation under this Act, the Municipal Board upon application may determine the matter and its decision is final. 1973, c. 70, s. 127.

Conditional
powers

134. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are considered necessary or advisable to carry out effectively the purposes of this Act. 1973, c. 70, s. 128.

Conflict
with other
Acts

135.—(1) The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails.

Special
legislation

(2) The provisions of any special Act relating to the County of Halton or a local municipality or local board thereof within the Regional Area, in so far as the provisions of such special Act are not in conflict with the provisions of this Act, continue in force, and the powers conferred by any such special Act may be exercised by the Regional Corporation or a local board thereof or by the corporation of the appropriate area municipality or a local board thereof according to whether the powers conferred by such special Act relate to a function assigned under this Act to the Regional Corporation or a local board thereof or to the area municipalities or local boards thereof. 1973, c. 70, s. 129.

Municipal
buildings

136.—(1) The Regional Corporation or an area municipality or the Regional Corporation and one or more area municipalities,

(a) may acquire land for the purpose of constructing municipal buildings; and

(b) may construct municipal buildings for the use of the Regional Corporation or the Regional Corporation and one or more area municipalities or any local board thereof. 1973, c. 70, s. 130 (1).

Acquisition
of lands for
Children's
Aid Society

(2) The Regional Corporation may acquire land and may acquire, renovate or construct buildings for the use of The Chil-

dren's Aid Society of The Regional Municipality of Halton and may lease land and any buildings so acquired, renovated or constructed to The Children's Aid Society of The Regional Municipality of Halton. 1980, c. 33, s. 22.

(3) Section 125 of the *Municipal Act* applies with necessary modifications to any joint undertaking under this section. 1973, c. 70, s. 130 (2). Application of R.S.O. 1980, c. 302, s. 125

137.—(1) In this section, “waste” includes ashes, garbage, refuse, domestic waste, industrial solid waste or municipal refuse, and such other waste as may be designated by by-law of the Regional Council. Interpretation

(2) On and after the 1st day of January, 1974, the Regional Corporation shall provide facilities for the purpose of receiving, dumping and disposing of waste, and no area municipality shall provide such facilities. 1973, c. 70, s. 131 (1, 2). Receiving and disposing of waste by Regional Corporation

(3) For the purposes of subsection (2), the Regional Corporation may acquire and use land within the Regional Area and may erect, maintain and operate all facilities including buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person, including Her Majesty in right of Ontario, for such purposes, and may prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon such land, and may prescribe rates or charges for the use of such property, which rates or charges may relate to the volume, weight, or class of waste, or otherwise as the Regional Council considers appropriate in the circumstances, and all such existing facilities and lands of a local municipality to the extent they are used for such purposes vest in the Regional Corporation on the 1st day of January, 1974, without compensation. 1973, c. 70, s. 131 (3); 1974, c. 117, s. 44. Waste disposal sites

(4) The Regional Corporation shall pay to the corporation of any area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection (3). 1973, c. 70, s. 131 (4). Payments of principal and interest to area municipalities

(5) If the Regional Corporation fails on or before the due date to make any payment required by subsection (4), the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 99. Default

O.M.B.
to arbitrate

(6) In the event of any doubt as to whether any outstanding debt or portion thereof was incurred in respect of any property vested in the Regional Corporation under this section, the Municipal Board may determine the matter and such determination is final and binding.

Application of
R.S.O. 1980,
c. 302, s. 210,
par. 84

(7) For the purposes of subsection (3), paragraph 84 of section 210 of the *Municipal Act* applies with necessary modifications. 1973, c. 70, s. 131 (6, 7).

Agreement
successor
rights

138. Where any agreement has been entered into by a local municipality, providing the terms thereof are not inconsistent with the provisions of this Act, the Regional Corporation or the appropriate area municipality shall on and after the 1st day of January, 1974, be deemed to stand in the place and stead of such local municipality in so far as the agreement pertains to the functions of the Regional Corporation or area municipality. 1973, c. 70, s. 132.

Regional
Fire
Co-ordinator

139. The Regional Corporation shall appoint a Regional Fire Co-ordinator who shall be responsible for the establishment of an emergency fire service plan and program for the Regional Area, and the Regional Corporation is authorized to expend such sums as it considers necessary to implement such plan and program. 1973, c. 70, s. 133.

Existing
speed limits
continued
R.S.O. 1980,
c. 198

140.—(1) Notwithstanding the other provisions of this Act but subject to subsections (2) and (3), for the purposes of section 109 of the *Highway Traffic Act* the area in the Regional Area that, on the 31st day of December, 1973, formed part of a town, village or township municipality shall be considered to continue to form part of a town, village or township municipality.

By-laws of
Regional
Council and
area councils

(2) Notwithstanding subsection (1), the Regional Council and the council of each area municipality may exercise any of its powers under section 109 of the *Highway Traffic Act* in respect of highways under its jurisdiction and control.

Existing
speed limits
continued

(3) Every by-law passed by the council of a municipality under any provision of section 109 of the *Highway Traffic Act* that applied, on the 31st day of December, 1973, to any highway or portion thereof within the Regional Area shall continue to apply thereto until a by-law passed by the Regional Council or the council of an area municipality under such section 109 applies thereto. 1973, c. 70, s. 134.

Boards, etc.,
dissolved

141.—(1) On the 31st day of December, 1973, all community centre boards and all boards of recreation or park management in a local municipality are dissolved and the assets and

liabilities thereof become, on the 1st day of January, 1974, the assets and liabilities of the area municipality of which the local municipality becomes a part, and in the event the area of jurisdiction of any such board is divided between two area municipalities, the committee of arbitration appointed under section 88 of *The Regional Municipality of Halton Act, 1973*, being chapter 70, shall make the determination of the disposition of such assets and liabilities in the manner prescribed in that section.

(2) The council of an area municipality shall be deemed to be a recreation committee under the *Ministry of Culture and Recreation Act* and the regulations thereunder, and a board of a community recreation centre under the *Community Recreation Centres Act, 1973*, c. 70, s. 136. Council deemed recreation committee, etc. R.S.O. 1980, cc. 276, 80

142.—(1) The Regional Council may pass by-laws for acquiring land for and establishing, laying out and improving and maintaining public parks, zoological gardens, recreation areas, squares, avenues, boulevards and drives in the Regional Area and for exercising all or any of the powers that are conferred on boards of park management by the *Public Parks Act*. Acquiring land for parks, etc. R.S.O. 1980, c. 417

(2) In addition to the powers that may be exercised under subsection (1), the Regional Council has power to let from year to year, or for any time not exceeding ten years, the right to sell, subject to the *Liquor Licence Act*, and the regulations made thereunder, spirituous, fermented or intoxicating liquors within regional parks under such regulations as the Regional Council may prescribe. Sale of spirituous, etc., liquors in parks R.S.O. 1980, c. 244

(3) Paragraph 53 of section 208 of the *Municipal Act* applies with necessary modifications to the Regional Corporation. Application of R.S.O. 1980, c. 302

(4) The Regional Corporation shall be deemed to be a municipality for the purposes of the *Parks Assistance Act* and the *Community Recreation Centres Act*. Regional Corporation a municipality under R.S.O. 1980, cc. 367, 80

(5) Where, under an agreement with any conservation authority, lands vested in the conservation authority are managed and controlled by the Regional Corporation, the Regional Corporation may,

(a) exercise all or any of the powers conferred on it under subsection (1) in respect of such lands;

(b) lay out, construct and maintain roads on such lands and, with the consent of the area municipality in

which such lands, or any part thereof, are situate, assume the maintenance of existing roads on such lands, or any part thereof;

R.S.O. 1980,
c. 198

(c) subject to the *Highway Traffic Act*, regulate traffic on such roads and prescribe the rate of speed for motor vehicles driven on such roads in accordance with subsection 109 (3) of the *Highway Traffic Act*.

Payment
in lieu
of taxes

(6) The Regional Council may agree to pay annually to the area municipality in which any land used for the purposes set out in subsection (1) is situate a sum not exceeding the amount that would have been payable to the municipality as taxes if the land were not exempt from taxation. 1973, c. 70, s. 137.

County
museum
vested in
Regional
Corporation

143.—(1) The Halton County Museum together with the assets and liabilities thereof vest, on the 1st day of January, 1974, in the Regional Corporation. 1973, c. 70, s. 138.

County
Museum
Board
dissolved

(2) The Halton County Museum Board is dissolved on the 1st day of January, 1974, and all the assets and liabilities thereof vest in the Regional Corporation. 1973, c. 162, s. 10.

County
Museum
Association
deemed
dissolved

(3) The Halton County Museum Association is deemed to have been dissolved on the 1st day of January, 1974 and all the assets and liabilities thereof vested in the Regional Corporation. 1977, c. 34, s. 37.

Regional
Municipality
school
division
R.S.O. 1980,
c. 129

144. Notwithstanding the provisions of any other Act, on and after the 1st day of January, 1974, The Regional Municipality of Halton is a school division and the Halton County Board of Education is continued, subject to subsection 54 (6) of the *Education Act*, as the divisional board of education for The Regional Municipality of Halton. 1973, c. 70, s. 139.

Election .

145. Section 59 of the *Education Act* applies to the election of the members of The Halton County Board of Education and section 113 of the *Education Act* applies to the election of the members of The Halton County Roman Catholic Separate School Board. 1973, c. 70, s. 140, *revised*.

Public
library
boards
R.S.O. 1980,
c. 414

146. Notwithstanding the provisions of the *Public Libraries Act*, the Minister may by order provide for the establishment of a public library board in any area municipality and for the transfer of any assets and liabilities of any former public library board to such new board. 1973, c. 70, s. 142.

147. The council of the City of Burlington may pass any by-law that a board of commissioners of police of a city is authorized to pass under the *Municipal Act*. 1973, c. 70, s. 143.

Power of cities in Regional Area to pass by-laws R.S.O. 1980, c. 302

FORM 1

(Section 9 (4))

OATH OF ALLEGIANCE

I,....., having been elected (*or appointed*) as chairman of the council of The Regional Municipality of Halton, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (or the reigning sovereign for the time being).

Sworn before me, etc.

1973, c. 70, Form 1.

FORM 2

(Section 9 (4))

DECLARATION OF QUALIFICATION BY CHAIRMAN

I,....., having been elected (*or appointed*) as chairman of the council of The Regional Municipality of Halton declare that:

1. I am a British subject and am not a citizen or a subject of any foreign country.
2. I am of the full age of eighteen years.
3. I am not an officer, employee or servant of any area municipality or local board of any area municipality.
4. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me, etc.

1973, c. 70, Form 2.

CHAPTER 437

Regional Municipality of Hamilton-Wentworth Act

INTERPRETATION

1. In this Act,

Interpre-
tation

- (a) “area municipality” means the municipality or corporation of the City of Hamilton, the Town of Dundas, the Town of Stoney Creek, the Town of Ancaster, the Township of Flamborough and the Township of Glanbrook, all as constituted by section 2;
- (b) “bridge” means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) “chairman” means the chairman of the Regional Council;
- (d) “debt” includes any obligation for the payment of money;
- (e) “divided municipality” means a local municipality parts of which are annexed to two or more municipalities under subsection 2 (1);
- (f) “highway” and “road” mean a common and public highway or any part thereof, and include a street, bridge, and any other structure incidental thereto or any part thereof;
- (g) “land” includes lands, tenements and hereditaments and any estate or interest therein, and any right or easement affecting them, and land covered with water, and includes any buildings or improvements on land;

- (*h*) "local board" means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the Regional Corporation or of an area municipality or of two or more area municipalities or parts thereof;
- (*i*) "local municipality" means in the year 1973 any local municipality or portion thereof in the Regional Area;
- (*j*) "merged area" means a local municipality that is amalgamated with another local municipality or a part of a local municipality that is annexed to a local municipality to constitute an area municipality or a portion of a local municipality constituted as an area municipality under subsection 2 (1) or the local municipality to which such part is annexed;
- (*k*) "Minister" means the Minister of Intergovernmental Affairs;
- (*l*) "Ministry" means the Ministry of Intergovernmental Affairs;
- (*m*) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money, other than a by-law passed under section 108;
- (*n*) "Municipal Board" means the Ontario Municipal Board;
- (*o*) "Regional Area" means the area from time to time included within the area municipalities;
- (*p*) "Regional Corporation" means The Regional Municipality of Hamilton-Wentworth;
- (*q*) "Regional Council" means the council of the Regional Corporation;

- (r) "regional road" means a road forming part of the regional road system established under Part III;
- (s) "roadway" means that part of the highway designed or intended for use by vehicular traffic. 1973, c. 74, s. 1, *revised*.

PART I

AREA MUNICIPALITIES

2.—(1) On the 1st day of January, 1974,

Constitu-
tion of
area muni-
cipalities

- (a) The City of Hamilton is continued as a city municipality.
- (b) The Town of Dundas is continued as a town municipality and portions of the Township of Ancaster and the Township of West Flamborough, described as follows, are annexed to such town:

FIRSTLY, part of the Township of Ancaster, commencing where the north limit of the present Township of Ancaster intersects the west limit of the present Town of Dundas;

THENCE southerly along the west limit to the south limit of Toronto, Hamilton and Buffalo Railway right-of-way;

THENCE in a generally westerly direction along that limit to the west limit of lot forty-four in the First Concession of the Township of Ancaster;

THENCE in a northerly direction along the west limit of lot forty-four to a point 200 feet south of the south limit of Highway Ninety-nine;

THENCE in a westerly direction along a line 200 feet south of and parallel to the south limit of Highway Ninety-nine to the west limit of Binkley Road;

THENCE northerly along that limit to the north limit of the present Township of Ancaster;

THENCE easterly along that limit to the place of commencement.

SECONDLY, part of the Township of West Flamborough, commencing where the south limit of the Canadian National Railways right-of-way intersects the west limit of the present Town of Dundas;

THENCE southerly and westerly along the limits of the present Town of Dundas to the south limit of the Township of West Flamborough;

THENCE westerly along that limit to the west limit of Binkley Road;

THENCE northerly along that limit to the south limit of the Canadian National Railways right-of-way;

THENCE easterly along that limit to the place of commencement.

THIRDLY, part of the Township of West Flamborough, commencing where the north limit of the present Town of Dundas intersects the line between lots 22 and 23 of the present Township of West Flamborough;

THENCE northerly along that line to a point 250 feet north from the north limit of Patterson Road;

THENCE northeasterly and parallel to the north limit of Patterson Road to the north limit of Old Guelph Road;

THENCE northeasterly along that limit to the east limit of the present Township of West Flamborough;

THENCE southeasterly, southerly and southwesterly along the limits of the present Township of West Flamborough to the east limit of the present Town of Dundas;

THENCE northerly and southwesterly along the limits of the present Town of Dundas to the place of commencement.

- (c) The Town of Stoney Creek and the Township of Saltfleet are amalgamated as a town municipality bearing the name of The Corporation of the Town of Stoney Creek.
- (d) The Township of Ancaster, save and except that portion annexed to the Town of Dundas is estab-

lished as a town municipality bearing the name of The Corporation of the Town of Ancaster.

(e) The Township of East Flamborough and the Village of Waterdown are amalgamated as a township municipality bearing the name of The Corporation of the Township of Flamborough and the Township of Beverly and the Township of West Flamborough, save and except that portion annexed to the Town of Dundas from the Township of West Flamborough are annexed to such township.

(f) The Township of Binbrook and the Township of Glanford are amalgamated as a township municipality bearing the name of The Corporation of the Township of Glanbrook. 1973, c. 74, s. 2 (1).

(2) That portion of the Township of West Flamborough more particularly described as follows is annexed to the City of Hamilton:

Part of
West Flamborough
annexed to
Hamilton

COMMENCING at the intersection of the northerly limit of Valley Inn Road and a point on the westerly high water mark of Hamilton Harbour the said point being on an easterly boundary of the City of Hamilton;

THENCE southerly along an easterly boundary of the said City of Hamilton to the southerly limit of the said Valley Inn Road;

THENCE easterly to a point distant 85 metres measured North 72 degrees 06' 30" West from the westerly angle of Part 2 as designated on a Plan deposited in the Land Registry Office for the Registry Division of Halton (No. 20) as Number 20R-4196 and in the Land Registry Office for the Registry Division of Wentworth (No. 62) as Number 62R-4732;

THENCE North 17 degrees 53' 30" East 20 metres to a point;

THENCE North 72 degrees 06' 30" West to the point of commencement. 1980, c. 33, s. 23.

(3) The following police villages are dissolved on the 1st day of January, 1974:

Dissolution
of police
villages

1. The Police Village of Ancaster
2. The Police Village of Freelon

3. The Police Village of Lynden.

Amalgama-
tions,
annexations,
and dissolu-
tions deemed
by Municipal
Board
orders
R.S.O. 1980,
c. 347

(4) For the purposes of every Act, the amalgamations, annexations, and dissolutions provided for in this Part shall be deemed to have been effected by order of the Municipal Board not subject to section 42 of the *Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the 22nd day of June, 1973, pursuant to applications made under sections 14 and 25 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, and, subject to the provisions of this Act, the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations, annexations and dissolutions, and sections 94 and 95 of the *Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers and "municipalities" in clause 14 (11) (a) of the *Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed. 1973, c. 74, s. 2 (2, 3).

R.S.O. 1980,
c. 302

Composition
of area
municipal
councils

3.—(1) The council of each area municipality shall be composed of a mayor, who shall be elected by a general vote of the electors of the area municipality and shall be the head of the council, and the following number of other members of council:

1. The City of Hamilton—sixteen members elected by wards.
2. The Town of Dundas—eight members elected by general vote of the electors of such municipality.
3. The Town of Stoney Creek—seven members elected by wards and one member elected by general vote of the electors of such municipality.
4. The Town of Ancaster—five members elected by wards and one member elected by general vote of the electors of such municipality.
5. The Township of Flamborough—nine members elected by wards and one member elected by general vote of the electors of such municipality.
6. The Township of Glanbrook—five members elected by wards and one member elected by general vote of the electors of such area municipality. 1973, c. 74, s. 3 (1), *revised*.

Alteration
of wards, etc.,
by O.M.B.

(2) Upon the application of an area municipality authorized by a by-law of the council thereof, or upon the petition of electors in accordance with the provisions of section 13 of the *Municipal Act*, the Municipal Board may, by order,

- (a) divide or redivide the area municipality into wards, and shall designate the name or number each ward shall bear and shall declare the date when the division or redivision shall take effect;
- (b) alter or dissolve any or all of the wards in the area municipality and shall declare the date when such alterations or dissolutions shall take effect; or
- (c) vary the composition of the council of the area municipality,

provided that,

- (d) no order made under this section shall alter the total number of members who represent the area municipality on the Regional Council as provided for in this Act; and
- (e) the mayor of the area municipality shall continue to be elected by a general vote of the electors of the area municipality, and shall be the head of the council of the area municipality, and shall be a member of the Regional Council, as provided for in this Act. 1976, c. 43, s. 84 (1).

(3) Notwithstanding section 6, the Lieutenant Governor in Council, upon the recommendation of the Minister, may by order authorize such method of selecting the members who represent the area municipality on the Regional Council as is considered advisable following an order of the Municipal Board under subsection (2). 1977, c. 34, s. 38. Order of L. G. in C.

(4) Where the Minister is inquiring into the structure, organization and methods of operation of one or more area municipalities or the Regional Corporation, he may give notice to the Municipal Board of such inquiry and that in his opinion any application or applications and any petition or petitions made under subsection (2) should be deferred until the inquiry has been completed and considered, and thereupon all proceedings in any such application are stayed until he gives notice to the Municipal Board that they may be continued. 1979, c. 81, s. 100. Stay of proceedings pending completion of inquiry

PART II

INCORPORATION AND ESTABLISHMENT OF THE REGIONAL COUNCIL

4.—(1) The inhabitants of the Regional Area are hereby continued a body corporate under the name of "The Regional Municipality of Hamilton-Wentworth". Regional Corporation continued

Deemed
municipality
under
R.S.O. 1980,
cc. 302, 347

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of the *Municipal Affairs Act* and the *Ontario Municipal Board Act*. 1973, c. 74, s. 6 (1, 2), *revised*.

Regional
Area deemed
Judicial
District

(3) The Regional Area shall for all judicial purposes be deemed to be a county and be known as the Judicial District of Hamilton-Wentworth. 1973, c. 74, s. 6 (3), *revised*.

Registry
boundaries

(4) Nothing in this Act shall be deemed to alter the boundaries of any registry or land titles division.

Appoint-
ments for
County of
Wentworth
deemed
appoint-
ments for
Judicial
District of
Hamilton-
Wentworth

(5) Every person who held an office or appointment under any Act on the 31st day of December, 1973, in and for the County of Wentworth shall be deemed, so long as he continues to hold such office or appointment, to hold such office or appointment on and after the 1st day of January, 1974 in and for the Judicial District of Hamilton-Wentworth. 1973, c. 74, s. 6 (4, 5).

Regional
Council to
exercise
corporate
powers

5.—(1) The powers of the Regional Corporation shall be exercised by the Regional Council and, except where otherwise provided, the jurisdiction of the Regional Council is confined to the Regional Area.

Powers
exercised
by by-law

(2) Except where otherwise provided, the powers of the Regional Council shall be exercised by by-law.

Not to be
quashed as
unreasonable

(3) A by-law passed by the Regional Council in the exercise of any of its powers and in good faith shall not be open to question, or be quashed, set aside or declared invalid either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them. 1973, c. 74, s. 7.

Composition
of Regional
Council

6. The Regional Council shall consist of twenty-eight members composed of a chairman and,

- (a) the mayor of each area municipality;
- (b) sixteen members of council from the City of Hamilton being the remainder of the council of the City;
- (c) one member of council from the Town of Dundas elected by general vote of the electors of the said area municipality as a member of the Regional Council and the council of such area municipality;

- (d) one member of council from the Town of Stoney Creek elected by general vote of the electors of such area municipality as a member of the Regional Council and the council of such area municipality;
- (e) one member of council from the Town of Ancaster elected by general vote of the electors of such area municipality as a member of the Regional Council and the council of such area municipality;
- (f) one member of council from the Township of Flam- borough elected by general vote of the electors of such area municipality as a member of the Regional Council and the council of such area municipality;
- (g) the member of the council of the Township of Glanbrook elected by general vote. 1973, c. 74, s. 8 (1), *revised*.

7.—(1) At the first meeting of the Regional Council after a regular election at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for the term of the council until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected. 1978, c. 33, s. 94 (1).

Election of chairman

(2) Where a member of the council of an area municipality becomes chairman, he shall be deemed to have resigned as a member of such council, and his seat on such council thereby becomes vacant. 1973, c. 74, s. 9 (3).

Where chairman member of area council

(3) If, at the first meeting of the Regional Council after a regular election a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for the term of the council and until his successor is elected or appointed in accordance with this Act. 1978, c. 33, s. 94 (2).

Failure to elect chairman

8.—(1) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality after a regular election shall be held not later than the seventh day following the day on which the term of office in respect of which the election was held commences.

First meeting of area councils

First
meeting of
Regional
Council

(2) The first meeting of the Regional Council after a regular election shall be held after the councils of the area municipalities have held their first meetings under subsection (1), but in any event not later than the fourteenth day following the day on which the term of office in respect of which the election was held commences, on such date and at such time and place as may be fixed by by-law of the Regional Council. 1978, c. 33, s. 95.

Certificate
of qualifi-
cation

(3) A person entitled to be a member of the Regional Council in accordance with section 6, other than the mayor of each area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council that he attends a certificate under the hand of the clerk of the area municipality that he represents, and under the seal of such area municipality certifying that he is entitled to be a member under such section. 1973, c. 74, s. 10 (4).

Oath of
allegiance
and declara-
tion of
qualification

(4) The chairman, before taking his seat, shall take an oath of allegiance in Form 1 and a declaration of qualification in Form 2.

Declaration
of office

R.S.O. 1980,
c. 302

(5) No business shall be proceeded with at the first meeting of the Regional Council until after the declarations of office in Form 3 of the *Municipal Act* have been made by all members who present themselves for that purpose.

When
Council
deemed
organized

(6) The Regional Council shall be deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in section 9. 1973, c. 74, s. 10 (6-8).

Quorum,
voting

9.—(1) Fifteen members of the Regional Council representing three area municipalities are necessary to form a quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure.

One vote

(2) Subject to subsection (3), each member of the Regional Council has one vote only.

Chairman,
vote

(3) The chairman does not have a vote except in the event of an equality of votes. 1973, c. 74, s. 11.

Place of
meeting

10. Subject to section 8, all meetings of the Regional Council shall be held at such place within the Regional Area and at such times as the Regional Council from time to time appoints. 1973, c. 74, s. 12.

11.—(1) When a vacancy occurs in the office of a chairman who has been appointed by the Lieutenant Governor in Council, the Lieutenant Governor in Council shall appoint a successor to hold office as chairman for the remainder of the term of his predecessor. Vacancies, chairman

(2) When a vacancy occurs in the office of a chairman who has been elected under subsection 7 (1), the Regional Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman who may be one of the members of the Regional Council, or any other person, to hold office for the remainder of the term of his predecessor. Idem

(3) If the Regional Council fails to elect a chairman within twenty days as required by subsection (2), the Lieutenant Governor in Council may appoint a person as chairman to hold office for the remainder of the term of his predecessor. 1973, c. 74, s. 13 (1-3). Idem

(4) When a vacancy occurs in the office of a member, other than the chairman or the head of the council of an area municipality, the council of the area municipality of which he was a member shall by by-law within sixty days after the vacancy occurs appoint a successor, who may be a member of the council or a person who is eligible to be elected a member of the council, to hold office for the remainder of the term of his predecessor. 1973, c. 74, s. 13 (4); 1976, c. 43, s. 85. Vacancy, other members

(5) Where a member has been elected as a member of the Regional Council, resignation from either the Regional Council or the council of the area municipality shall be deemed to be resignation from both councils. Resignation

(6) In the event that the head of a council of an area municipality is for any reason unable to fulfil his duties as a member of the Regional Council for a period exceeding one month, the council of the area municipality may by by-law appoint one of its members as an alternate representative to the Regional Council who shall act in the place and stead of the head of the council during his incapacity, but no such by-law shall have effect for a period longer than one month from its effective date. 1973, c. 74, s. 13 (5, 6). Where head of council incapacitated

12. The Regional Council may from time to time establish such standing or other committees and assign to them such duties as it considers expedient. 1973, c. 74, s. 15 (1). Committees

13. The Regional Council may pass by-laws for governing the proceedings of the Regional Council and any of its committees, the conduct of its members and the calling of meetings. 1973, c. 74, s. 16. Procedural by-laws

Head of
Council

14.—(1) The chairman is the head of the Regional Council and is the chief executive officer of the Regional Corporation.

Chief
adminis-
trative
officer

(2) The Regional Council may by by-law appoint a chief administrative officer, who,

- (a) shall have such general control and management of the administration of the government and affairs of the Regional Corporation and perform such duties as the Regional Council by by-law prescribes;
- (b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;
- (c) shall hold office during the pleasure of the Regional Council; and
- (d) shall receive such salary as the Regional Council by by-law determines.

Application
of
R.S.O. 1980,
c. 302

(3) Subsection 99 (2) of the *Municipal Act* applies to a chief administrative officer appointed under subsection (2) of this section. 1973, c. 74, s. 17.

Acting
chairman

15.—(1) When the chairman is absent or refuses to act, or his office is vacant, the Regional Council may by resolution appoint one of its members to act in his place and stead and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

Idem

(2) The Regional Council may by by-law appoint a member of the Regional Council to act from time to time in the place and stead of the chairman when the chairman is absent from the Regional Area or absent through illness or his office is vacant and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman. 1974, c. 117, s. 45.

Application of
R.S.O. 1980,
c. 302

16.—(1) Sections 57, 58, 60, 62, 63, 129, 137 to 141, 238, 239, 240 to 244, 247, 248, 249 and 250 of the *Municipal Act* apply with necessary modifications to the Regional Corporation. 1980, c. 33, s. 24.

Idem

(2) Sections 55, 64, 65 and 107 of the *Municipal Act* apply with necessary modifications to the Regional Council and to every local board of the Regional Corporation. 1973, c. 74, s. 19 (2).

17.—(1) The Regional Council shall appoint a clerk, Appointment of clerk
whose duty it is,

- (a) to record truly without note or comment all resolutions, decisions and other proceedings of the Regional Council;
- (b) if required by any member present, to record the name and vote of every member voting on any matter or question;
- (c) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the Regional Council and its committees; and
- (d) to perform such other duties as may be assigned to him by the Regional Council.

(2) The Regional Council may appoint a deputy clerk Deputy clerk
who shall have all the powers and duties of the clerk.

(3) When the office of clerk is vacant or the clerk is Acting clerk
unable to carry on his duties through illness or otherwise, the Regional Council may appoint an acting clerk *pro tempore* who shall have all the powers and duties of the clerk.
1973, c. 74, s. 20 (1-3).

18.—(1) Any person may, at all reasonable hours, inspect Minutes open to inspection
any of the records, books or documents in the possession or under the control of the clerk, except interdepartmental correspondence and reports of officials of any department or of solicitors for the Regional Corporation made to the Regional Council or any of its committees, and the clerk within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the Regional Corporation to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix.

(2) The clerk shall keep an index book in which he shall Index of by-laws affecting land
enter the number and date of all by-laws passed by the Regional Council that affect land or the use thereof in the Regional Area but do not directly affect the title to land.

Copies
certified
by clerk
to be
receivable
in evidence

(3) A copy of any record, book or document in the possession or under the control of the clerk, purporting to be certified under his hand and the seal of the Regional Corporation, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs. 1973, c. 74, s. 21.

Appoint-
ment of
treasurer

19.—(1) The Regional Council shall appoint a treasurer who shall keep the books, records and accounts, and prepare the annual financial statements of the Regional Corporation and preserve and file all accounts of the Regional Corporation and shall perform such other duties as may be assigned to him by the Regional Council.

Deputy
treasurer

(2) The Regional Council may appoint a deputy treasurer who shall have all the powers and duties of the treasurer.

Acting
treasurer

(3) When the office of treasurer is vacant or the treasurer is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting treasurer *pro tempore* who shall have all the powers and duties of the treasurer. 1973, c. 74, s. 22.

Receipt
and dis-
bursement
of money

20.—(1) The treasurer shall receive and safely keep all money of the Regional Corporation and shall pay out money to such persons and in such manner as the law in force in Ontario and the by-laws or resolutions of the Regional Council direct, provided that every cheque issued by the treasurer shall be signed by the treasurer and by some other person or persons designated for the purpose by by-law or resolution of the Regional Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized.

Signing
of cheques

(2) Notwithstanding subsection (1), the Regional Council may by by-law,

- (a) designate one or more persons to sign cheques in lieu of the treasurer; and
- (b) provide that the signature of the treasurer and of any other person authorized to sign cheques may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

(3) The Regional Council may by by-law provide that the treasurer may establish and maintain a petty cash fund of an amount of money sufficient to make change and pay small accounts, subject to such terms and conditions as the by-law may provide.

(4) Except where otherwise expressly provided by this Act, a member of the Regional Council shall not receive any money from the treasurer for any work or service performed or to be performed, but nothing in this subsection prevents the payment of any moneys under any contract in respect of which the member has complied with the *Municipal Conflict of Interest Act*.

Petty cash
fund

When
member may
be paid

R.S.O. 1980,
c. 305

(5) The treasurer is not liable for money paid by him in accordance with a by-law or resolution of the Regional Council, unless another disposition of it is expressly provided for by statute. 1973, c. 74, s. 23.

Treasurer's
liability
limited

21. Subject to subsection 20 (3), the treasurer shall,

Bank
accounts

- (a) open an account or accounts in the name of the Regional Corporation in such of the chartered banks of Canada or at such other place of deposit as may be approved by the Regional Council;
- (b) deposit all money received by him on account of the Regional Corporation, and no other money, to the credit of such account or accounts, and no other account; and
- (c) keep the money of the Regional Corporation entirely separate from his own money and from that of any other person,

and, notwithstanding subsection 20 (1), the Regional Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the treasurer vary from such provisions. 1973, c. 74, s. 24.

22.—(1) The treasurer shall prepare and submit to the Regional Council, monthly, a statement of the money at the credit of the Regional Corporation.

Monthly
statement

(2) Where the treasurer is removed from office or absconds, the Regional Council shall forthwith give notice to his sureties. 1973, c. 74, s. 25.

Notice to
sureties

Appointment
of auditors

23.—(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause by the Regional Council and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation, except school boards. 1977, c. 34, s. 39.

Cost of
audit

(2) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the Regional Corporation and charged back to the local board, and, in the event of a dispute as to the amount of the cost, the Ministry may upon application finally determine the amount thereof. 1973, c. 74, s. 26 (2).

Disquali-
fication of
auditors

(3) No person shall be appointed as an auditor of the Regional Corporation who is or during the preceding year was a member of the Regional Council or of the council of an area municipality or of any local board, the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the Regional Corporation or an area municipality or any such local board, or any employment with any of them other than for services within his professional capacity. 1973, c. 74, s. 26 (3); 1976, c. 43, s. 86.

Duties of
auditors

(4) An auditor shall perform such duties as are prescribed by the Ministry and also such duties as may be required by the Regional Council or any local board of the Regional Corporation that do not conflict with the duties prescribed by the Ministry. 1973, c. 74, s. 26 (4).

Pensions

24.—(1) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Wentworth or a local board thereof, the Regional Corporation or a local board thereof shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the 22nd day of June, 1973 in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the Regional Corporation or local board thereof and such employee shall have uninterrupted membership or entitlement to membership,

as the case may be, in the Ontario Municipal Employees Retirement System, and any employees who are members of the retirement plan established under By-law No. 7970 of the City of Hamilton shall continue in such retirement plan and the Regional Corporation shall stand in the place and stead of The Corporation of the City of Hamilton in respect of such employees and the Regional Council may amend such by-law in respect of such employees. 1973, c. 74, s. 27 (1); 1973, c. 163, s. 1 (1).

(2) Where the Regional Corporation or a local board ^{Idem} thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area, the employee shall be deemed to remain an employee of the local municipality or local board thereof for the purposes of his entitlement under any approved pension plan or supplementary plan. 1973, c. 74, s. 27 (2).

(3) Where the Regional Corporation or a local board ^{Sick leave credits} thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Wentworth or a local board thereof, the employee shall be deemed to remain an employee of the municipality or local board thereof until the Regional Corporation or local board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the Regional Corporation whereupon the Regional Corporation or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the municipality or local board thereof. 1973, c. 74, s. 27 (3); 1973, c. 163, s. 1 (2).

(4) Where the Regional Corporation or a local board thereof ^{Holidays} is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Wentworth or a local board thereof, the Regional Corporation or local board thereof, shall during the first year of his employment by the Regional Corporation or local board thereof, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the municipality or local board thereof.

(5) The Regional Council shall offer to employ every ^{Offer of employment} person who, on the 1st day of April, 1973, is employed by the County of Wentworth or by any local board thereof or in any undertaking of, or operated on behalf of, any

local municipality or local board that is assumed by the Regional Corporation under this Act and who continues to be so employed until the 31st day of December, 1973. 1973, c. 74, s. 27 (4, 5).

Application of
R.S.O. 1980,
c. 348

(6) The Regional Corporation shall be deemed to be a municipality for the purposes of the *Ontario Municipal Employees Retirement System Act*.

Offer of
employment

(7) The employees of the local municipalities and the local boards thereof within the Regional Area, which are amalgamated or annexed in whole or in part to form an area municipality, who were employed by such a local municipality or local board on the 1st day of April, 1973, and who continue to be so employed until the 31st day of December, 1973, except employees offered employment by the Regional Council under subsection (5), shall be offered employment by the council of the area municipality with which they are amalgamated or to which they are annexed.

Sick leave
credits

(8) Any sick leave credits standing, on the 31st day of December, 1973, to the credit of any person who accepts employment under subsection (7) shall be placed to the credit of such employee in any sick leave credit plan established by the new employer.

Holidays

(9) Any person who accepts employment under subsection (7) shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the local municipality or local board by which he was formerly employed.

Pension
rights
and sick
leave
credits

(10) Where under the provisions of this section any employee in the opinion of the Minister experiences any difficulty or hardship with regard to the transfer of any pension rights or sick leave credits the Minister may by order do anything necessary to remedy or alleviate such difficulty or hardship.

Termina-
tion of
employment

(11) Nothing in this section prevents any employer from terminating the employment of an employee for cause. 1973, c. 74, s. 27 (7-12).

PART III

REGIONAL ROAD SYSTEM

Interpre-
tation

25. In this Part,

- (a) "approved" means approved by the Minister or of a type approved by the Minister;
- (b) "construction" includes reconstruction;
- (c) "maintenance" includes repairs;
- (d) "Minister" means the Minister of Transportation and Communications;
- (e) "Ministry" means the Ministry of Transportation and Communications;
- (f) "road authority" means a body having jurisdiction and control of a highway. 1973, c. 74, s. 28.

26.—(1) On and after the 1st day of January, 1974, ^{County roads to constitute regional road system} all roads on the 31st day of December, 1973, under the jurisdiction and control of the County of Wentworth and the Hamilton-Wentworth Suburban Roads Commission shall constitute the regional road system.

(2) The Regional Council may by by-law from time to time add roads to or remove roads from the regional road system, including such boundary line roads or portions thereof between the Regional Area and an adjoining county, regional or metropolitan municipality as may be agreed upon between the Regional Council and the council of such adjoining municipality. ^{Adding or removing roads by by-law}

(3) The Lieutenant Governor in Council may transfer any highway under the jurisdiction and control of the Ministry within the Regional Area to the Regional Corporation and the highway shall for all purposes be deemed to be part of the regional road system on such date as is designated by the Lieutenant Governor in Council and to have been transferred under section 29 of the *Public Transportation and Highway Improvement Act*. ^{Transfer of provincial highway to Regional Corporation}

(4) Where a road or part thereof forms part of the regional road system, jurisdiction and control and the soil and freehold thereof are vested in the Regional Corporation. ^{Vesting of roads in regional road system}

(5) The Lieutenant Governor in Council may remove any road from the regional road system. ^{Removal of roads from regional road system}

Roads
removed
from
system

(6) Where a road or a part thereof is removed from the regional road system, except by reason of it being stopped-up pursuant to subsection 36 (1), such road or part is thereupon transferred to and the jurisdiction and control and the soil and freehold thereof is thereupon vested in the area municipality in which it is situate, and the area municipality may sue upon any rights or under any agreements or by-laws in the same manner and to the same extent as the Regional Corporation in respect of such road.

Status
of land
acquired for
widening
regional
road

(7) Notwithstanding subsection (10), where the Regional Corporation acquires land for the purpose of widening a regional road, the land so acquired, to the extent of the designated widening, forms part of the road and is included in the regional road system.

Idem

(8) When land abutting on a regional road is dedicated for, or apparently for, widening the regional road, the land so dedicated is part of the regional road and the jurisdiction and control and the soil and freehold thereof is vested in the Regional Corporation subject to any rights in the soil reserved by the person who dedicated the land. 1973, c. 74, s. 29 (1-8).

Consolidat-
ing by-law

(9) The Regional Council shall, from time to time, pass a by-law consolidating all by-laws relating to the regional road system. 1980, c. 33, s. 25.

Approval
of by-laws

(10) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant Governor in Council and the Lieutenant Governor in Council may approve the by-law in whole or in part and, where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it shall not be necessary for the Regional Council to pass any further by-law amending the original by-law or repealing any part thereof that has not been approved, and every such by-law as approved is in force and effect after the day named by the Lieutenant Governor in Council.

Application of
R.S.O. 1980,
c. 446

(11) The *Regulations Act* does not apply to an order in council made under this section. 1973, c. 74, s. 29 (10, 11).

Plans of
construction
and
maintenance

27. The Regional Council shall adopt a plan of road construction and maintenance, and from time to time thereafter shall adopt such other plans as may be necessary. 1973, c. 74, s. 30.

28. Where the Regional Corporation proposes the construction, improvement or alteration of a regional road, it shall furnish the Minister with such detailed information as he may require. 1973, c. 74, s. 31.

Furnishing of information to Minister

29. Where a contribution has been made from any source whatsoever towards an expenditure made under the provisions of section 89 of the *Public Transportation and Highway Improvement Act*, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs. 1973, c. 74, s. 32.

Contribution towards expenditures
R.S.O. 1980, c. 421

30. The roads included in the regional road system shall be maintained and kept in repair by the Regional Corporation. 1973, c. 74, s. 33.

Maintenance and repair

31. The Regional Corporation has, in respect of the roads included in the regional road system, all the rights, powers, benefits and advantages conferred, and is subject to all liabilities imposed either by statute, by-law, contract or otherwise upon The Corporation of the County of Wentworth or the Hamilton-Wentworth Suburban Roads Commission or the corporation of the area municipality or the corporations of two or more area municipalities which had jurisdiction over the roads before they became part of the regional road system, and the Regional Corporation may sue upon such rights or under such contracts or by-laws in the same manner and to the same extent as the County of Wentworth or the Hamilton-Wentworth Suburban Roads Commission or the area municipality or municipalities, as the case may be, might have done if the roads had not become part of the regional road system. 1973, c. 74, s. 34.

Power over roads assumed

32.—(1) The Regional Corporation is not by reason of a road forming part of the regional road system under this Act liable for the construction or maintenance of sidewalks on any road or portion thereof in the regional road system, but the area municipality in which such sidewalks are located continues to be liable for the maintenance of such sidewalks and is responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 284 of the *Municipal Act* in respect of a sidewalk on a road over which a council has jurisdiction.

Sidewalks excepted

R.S.O. 1980, c. 302

(2) An area municipality may construct a sidewalk or other improvement or service on a regional road, and the

Area municipalities may construct sidewalks, etc.

Regional Corporation may contribute to the cost of such sidewalk, improvement or service, but no such work shall be undertaken by an area municipality without first obtaining the approval of the Regional Council expressed by resolution.

How cost
provided

(3) The cost of any such sidewalk, improvement or service constructed on a regional road may be met out of the general funds of the area municipality or the work may be undertaken in whole or in part as a local improvement under the *Local Improvement Act*.

R.S.O. 1980,
c. 250

Area muni-
cipality to
conform to
requirements
and be
responsible
for damages

(4) An area municipality when constructing such a sidewalk, improvement or service on a regional road shall conform to any requirements or conditions imposed by the Regional Council and is responsible for any injury or damage arising from the construction or presence of the sidewalk, improvement or service on the road.

R.S.O. 1980,
c. 421, s. 106
(4) not to
apply

(5) Subsection 106 (4) of the *Public Transportation and Highway Improvement Act* does not apply to a sidewalk constructed on a regional road by the council of a township. 1973, c. 74, s. 35.

Installation
of traffic
control
devices

33.—(1) The Regional Corporation may construct, install, maintain or remove any works on a highway, other than a road under the jurisdiction and control of the Ministry, including traffic control devices, for the purpose of altering or regulating the flow of traffic upon entering or leaving a road in the regional road system.

Relocation
of intersect-
ing roads

(2) The Regional Corporation may relocate, alter or divert any public road, other than a road under the jurisdiction and control of the Ministry, entering or touching upon or giving access to a road in the regional road system.

Idem

(3) Where, in relocating, altering or diverting a public road under subsection (2), the Regional Corporation constructs a new road in lieu of the public road, the Regional Corporation may close the public road at the point of intersection with the regional road and may, by by-law vest the new road and the soil and freehold and jurisdiction and control thereof in the area municipality in which it is situate.

Construction
of sidewalk,
etc., on area
municipality
road

(4) Where the Regional Corporation constructs a sidewalk, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality may contribute to the cost of such sidewalk, improvement or service and the work may be undertaken in whole or in part under the *Local Improvement Act*. 1973, c. 74, s. 36.

34. Where a regional road intersects a road that is under the jurisdiction and control of an area municipality, the continuation of the regional road to its full width across the road so intersected is a part of the regional road system. 1973, c. 74, s. 37.

Intersection
of other
roads by
regional
road

35. The Regional Council may pass by-laws for establishing and laying out new roads and for amending the by-law passed under subsection 26 (2) by adding such new roads to the regional road system, and the provisions of the *Municipal Act* with respect to the establishment and laying out of highways by municipalities apply with necessary modifications. 1973, c. 74, s. 38.

New roads

36.—(1) With respect to the roads in the regional road system and the regulation of traffic thereon, the Regional Corporation has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation of a city by the *Municipal Act*, the *Highway Traffic Act* and any other Act with respect to highways.

Powers and
liabilities
of Regional
Corporation

R.S.O. 1980,
cc. 302, 198

(2) The Regional Council or the council of any area municipality may by by-law designate any lane on any road over which it has jurisdiction as a lane solely or principally for use by public transit motor vehicles and prohibit or regulate the use thereof by vehicles other than public transit vehicles to such extent and for such period or periods as may be specified, and for the purpose of this subsection "public transit motor vehicle" means a motor vehicle owned and operated by, for or on behalf of the Regional Corporation or any area municipality as part of its passenger transportation service. 1973, c. 74, s. 39.

Establish-
ment of
bus lanes

37.—(1) The Regional Council may by by-law prohibit or regulate the placing or erecting of,

Erection of
gasoline
pump and
advertising
device near
regional road

(a) any gasoline pump within forty-five metres of any limit of a regional road;

(b) any sign, notice or advertising device within 400 metres of any limit of a regional road. 1973, c. 74, s. 40 (1); 1978, c. 87, s. 50 (1).

(2) A by-law passed under this section may provide for the issuing of permits for the placing or erecting of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor. 1973, c. 74, s. 40 (2).

Permits

By-laws of
area municipi-
palities
regulating
traffic

38.—(1) No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force until it has been approved by the Regional Council. 1973, c. 74, s. 41 (1); 1976, c. 43, s. 87 (1).

Regional
Council
may approve
by-law in
whole or
in part

(2) A by-law submitted for approval of the Regional Council in compliance with subsection (1) may be approved in whole or in part, and where part of a by-law is approved only, that part only shall become operative.

Withdrawal
of approval

(3) The Regional Council may withdraw its approval to any by-law or any part thereof by notice sent by registered mail to the clerk of the area municipality and such by-law or part thereof shall be deemed to be repealed twenty-one days after the sending of the notice. 1976, c. 43, s. 87 (2).

Signal-light
devices

(4) All signal-light traffic control devices heretofore or hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the Regional Council, and the Regional Council may delegate any of its powers in respect of the operation of such devices to an officer of the Regional Corporation designated in the by-law.

Contribution
toward cost
of signal-
lights

(5) The Regional Corporation may contribute toward the cost of the erection of signal-light traffic control devices erected by an area municipality. 1973, c. 74, s. 41 (2, 3).

Traffic
control
within
thirty metres
of regional
roads
R.S.O. 1980,
c. 198

(6) Subject to the *Highway Traffic Act*, the Regional Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of thirty metres on either side of the limit of a regional road, and, where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict. 1973, c. 74, s. 41 (4); 1978, c. 87, s. 50 (2).

Agreements
for
pedestrian
walks

39. The Regional Council may by by-law authorize agreements between the Regional Corporation and the owners or lessees of land abutting on a highway for the construction, maintenance and use of walks for pedestrians over, across or under the highway upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof, and for leasing or licensing the use of untravelled portions of such walks and adjoining lands to persons for such

considerations and upon such terms and conditions as may be agreed. 1973, c. 74, s. 42.

40.—(1) Sections 292 and 294 of the *Municipal Act* do not apply to a bridge or highway crossing or forming a boundary between the Regional Area and an adjoining municipality where such bridge or highway is included in the regional road system and in the road system of the municipality. Disputes as to maintenance, etc., of bridges and highways
R.S.O. 1980, c. 302

(2) Where there is a difference between the Regional Council and the council of a municipality in respect of any such bridge or highway as to the corporation upon which the obligation rests for the constructing or maintaining of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the Regional Council and the council of the municipality are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the Regional Corporation or the corporation of the municipality. Idem

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality and of the Regional Corporation, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities in regard to such bridge or highway, and the Municipal Board may make such order with respect to the same as it may consider just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute toward the building and maintaining of such bridge or highway. Hearing by O.M.B.

(4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive. 1973, c. 74, s. 43. Term of order

41. Clause 261 (1) (b) of the *Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities, and the councils of the area municipalities on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system. 1973, c. 74, s. 44. Boundary bridges between area municipalities

42. Section 276 of the *Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the Regional Area and an adjoining municipality. Boundary bridges between Regional Area and adjoining municipality

municipality, and the councils of the area municipality and the adjoining local municipality on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system. 1973, c. 74, s. 45.

Restrictions

R.S.O. 1980,
c. 379

Conflict
with local
by-laws

Controlled-
access roads

Closing
municipal
roads

Notice of
application
for approval
for closing
road

Order of
O.M.B.

43.—(1) The Regional Council has, with respect to all land lying within a distance of forty-five metres from any limit of a regional road, all the powers conferred on the council of a local municipality by section 39 of the *Planning Act*. 1973, c. 74, s. 46 (1); 1978, c. 87, s. 50 (3).

(2) In the event of conflict between a by-law passed under subsection (1) by the Regional Council and a by-law passed under section 39 of the *Planning Act* or a predecessor of such section by the council of a local municipality that is in force in the area municipality in which the land is situate, the by-law passed by the Regional Council prevails to the extent of such conflict. 1973, c. 74, s. 46 (2).

44.—(1) The Regional Council may by by-law designate any road in the regional road system, or any portion thereof, as a controlled-access road.

(2) Subject to the approval of the Municipal Board, the Regional Council may by by-law close any municipal road that intersects or runs into a regional controlled-access road.

(3) The Municipal Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such time, in such manner and to such persons as the Municipal Board may determine, and may further direct that particulars of objections to the closing shall be filed with the Municipal Board and the Regional Corporation within such time as the Municipal Board shall direct.

(4) Upon the hearing of the application for approval of the closing of a road, the Municipal Board may make such order as it considers proper refusing its approval or granting its approval upon such terms and conditions as it considers proper, and any order of the Municipal Board approving of the closing of a road may contain provisions,

- (a) determining the portion or portions of the road that shall be closed;
- (b) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and
- (c) providing for the doing of such other acts as in the circumstances it considers proper.

(5) Upon the approval of the Municipal Board being so obtained but subject to the provisions of the order of the Municipal Board made on the application for such approval, the Regional Corporation may do all such acts as may be necessary to close the road in respect of which the application is made. Closing road

(6) The Regional Corporation, or any person, including an area municipality, that has filed particulars of an objection may, with the leave of the Divisional Court, appeal to that court from any order made under subsection (4). Appeal

(7) Application for leave to appeal shall be made within thirty days after the date of the determination or order of the Municipal Board subject to the rules of the court as to vacations. Time for appeal

(8) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may consider just. Leave to appeal

(9) The practice and procedure as to the appeal and matters incidental thereto shall be in accordance with the rules of court, and the decision of the Divisional Court is final. Practice and procedure on appeal

(10) Section 95 of the *Ontario Municipal Board Act* does not apply to an appeal under this section. 1973, c. 74, s. 47. R.S.O. 1980, c. 347, s. 95 not to apply

45. The Regional Council may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a regional controlled-access road. 1973, c. 74, s. 48. Private roads, etc., opening upon regional controlled-access road

46.—(1) The Regional Corporation may give notice to the owner of any land requiring him to close up any private road, entranceway, structure or facility constructed or used as a means of access to a regional controlled-access road in contravention of a by-law passed under section 45. Notice

(2) Every notice given under subsection (1) shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail shall be deemed to have been received on the fifth day following the mailing thereof. Service of notice

(3) Where the person to whom notice is given under subsection (1) fails to comply with the notice within thirty days after its receipt, the Regional Council may by resolution direct any officer, employee or agent of the Regional Corporation to enter upon the land of such person and do or cause to be done whatever may be necessary to close up the private road, entranceway, structure or facility as required by the notice. Failure to comply with notice

Offence

(4) Every person who fails to comply with a notice given under subsection (1) is guilty of an offence and on conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence.

Compensation

(5) Where a notice given under subsection (1) has been complied with, no compensation is payable to the owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a controlled-access road designated under subsection 44 (1) was constructed or used, as the case may be,

(a) before the day on which the by-law designating the road as a controlled-access road became effective; or

(b) in compliance with a by-law passed under section 45, in which case the making of compensation is subject to any provisions of such by-law. 1973, c. 74, s. 49.

Regional liability where road forms part of system

47.—(1) Subject to subsection (2), no area municipality shall have any right to compensation or damages for any road forming part of the regional road system.

Idem

(2) Where a road forms part of the regional road system, the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under the *Local Improvement Act* is payable as the owners' share of a local improvement work. 1973, c. 74, s. 50 (1, 2).

R.S.O. 1980,
c. 250

Default

(3) Where the Regional Corporation fails to make any payment required by subsection (2), on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 102.

Stopping-up highways

48.—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall so notify the Regional Corporation by registered mail.

Agreement

(2) If the Regional Council objects to such stopping-up, it shall notify the council of the area municipality by registered mail within sixty days of the receipt of the notice required under subsection (1) and the highway or part thereof shall not be stopped-up except by agreement between the area

municipality and the Regional Council and failing such agreement the Municipal Board, upon application, may determine the matter and its decision is final. 1973, c. 74, s. 51.

(3) No area municipality shall open up, establish or assume for public use any highway which intersects with or enters upon any highway in the regional road system, without the prior written approval of the Regional Corporation. 1973, c. 163, s. 2.

Approval
required to
intersect
regional road

49. Sections 101, 103, 105, 108 and 111 of the *Public Transportation and Highway Improvement Act* apply with necessary modifications with respect to any road in the regional road system. 1973, c. 74, s. 53.

Application
of
R.S.O. 1980,
c. 421

PART IV

PUBLIC TRANSPORTATION SYSTEM

50. In this Part,

Interpre-
tation

- (a) "Commission" means the Hamilton Transit Commission;
- (b) "Company" means The Hamilton Street Railway Company;
- (c) "Corporation" means The Corporation of the City of Hamilton;
- (d) "deficit" means the cost of operating a transit service, less all applicable revenues and subsidies in respect of such service in an area municipality;
- (e) "public transportation service" means a service provided by vehicles operated either underground, above ground or on highways or rights-of-way on the ground surface for the transportation for compensation of passengers, or passengers and express freight that may be carried in such vehicles, but does not include taxi-cabs or vehicles operated on railroads governed by the laws of Canada or vehicles operated by or for the Province of Ontario;
- (f) "public transportation vehicle" means a vehicle owned and operated by the Company, including the subsidiary company, in providing public transportation service;
- (g) "Regional Public Transportation System" means the Regional Public Transportation System of The Regional Municipality of Hamilton-Wentworth;

- (h) "revenue miles" means actual miles travelled by a transit vehicle for the purpose of picking up and putting down passengers;
- (i) "subsidiary company" means The Canada Coach Lines, Limited and Safety Service and Adjusters Limited;
- (j) "Urban Transit Area" means the City of Hamilton or such greater area as may from time to time be defined by the Minister;
- (k) "Urban Transit Service Area" means an area as defined from time to time by the Minister of Transportation and Communications for such purposes as may be designated herein or by the Minister. 1976, c. 84, s. 1, *part.*

Public
transporta-
tion system
authorized

51.—(1) The Regional Corporation is authorized to establish a public transportation system.

Regional
Corporation
may acquire
shares of
Company

(2) The Regional Corporation may by by-law of the Regional Council acquire all the shares of the Company held by the Commission or the Corporation and all other assets and liabilities of the Commission and the Corporation in respect of the shares of the Company without compensation except as provided in subsection (9), and the acquisition of such shares shall carry with it the ownership and control of the subsidiary company.

Board of
Directors
dissolved

(3) The Board of Directors of the Company and the subsidiary company are dissolved on the date on which the Regional Corporation acquires the shares of the Company under subsection (2). 1976, c. 84, s. 1, *part.*

Responsibility
of Regional
Corporation

(4) Upon the acquisition of all the shares of the Company by the Regional Corporation, the Regional Corporation shall on or before the due date pay to the Corporation all amounts of principal and interest due on any outstanding debt with respect to such shares and if the Regional Corporation fails to make any payment required by this subsection on or before the due date, the Regional Corporation may be charged interest by the Corporation at the rate of 15 per cent per annum thereof from such date until payment is made. 1979, c. 81, s. 103, *part.*

Commission
dissolved

(5) The Commission shall be deemed to be dissolved on the day of the passing of the by-law under subsection (2). 1976, c. 84, s. 1, *part.*

Area municipi-
pality
not to establish
transportation
service

(6) No area municipality shall establish a public transportation service after the day of the passing of the by-law under subsection (2) or exercise any power under any Act respecting public transit

matters provided for under this Part without the prior written approval of the Regional Corporation.

(7) Subject to subsection 57 (5), no person shall operate or cause to be operated in the Urban Transit Service Area after the dissolution of the Commission a public transportation service without having first obtained written approval of the Regional Council and any other approvals required by provincial or federal laws, and for greater clarity, the approval of the Regional Council shall always have been deemed to include the power to license, regulate and govern the operation of a public transportation service in the Urban Transit Service Area. 1979, c. 81, s. 103, *part*.

Public transportation service, approval of Regional Council

(8) Nothing in this Part shall be construed as limiting the right of the holder of an operating licence issued pursuant to the *Public Vehicles Act*, from operating a public transportation service according to the provisions of such licence through the Urban Transit Service Area or from or to any point within the Urban Transit Service Area.

Saving R.S.O. 1980, c. 425

(9) If the whole, or a substantial part, of the assets of the subsidiary company, including any of its routes, are disposed of by the Regional Corporation, the equity of the Corporation in such assets shall be credited to the Corporation in a manner to be determined by the Regional Corporation and the Corporation, and, in the event agreement cannot be reached, the parties shall submit the matter to arbitration under the *Arbitrations Act*. 1976, c. 84, s. 1, *part*.

Disposal of assets

R.S.O. 1980, c. 25

(10) Public transportation service operated by the Company or the subsidiary company on the 1st day of January, 1977 outside the limits of the Urban Transit Area, as established under this Part, shall by agreement between the Regional Council and the council of an area municipality be continued, discontinued, modified or varied.

Public transportation service outside Urban Transit Area to be continued, etc.

(11) Public transportation service in an area municipality not within the limits of the Urban Transit Area, as established under this Part, shall be provided at the request of the council of any area municipality at such cost as may be agreed upon and in the event that there is any dispute as to the cost, after taking into account projected revenues, of the provision of such service, the matter shall be submitted to the Municipal Board for determination. 1979, c. 81, s. 103, *part*.

Idem

(12) Subsection 7 (5) of the *Public Vehicles Act* does not apply to the acquisition of the shares of the Company under this section.

R.S.O. 1980, c. 425, s. 7 (5) not to apply

(13) The contractual relations in respect of terms of employment, including rates of pay, sick leave credits,

Terms of employment continued

holidays with pay and superannuation benefits existing on the 1st day of January, 1977, between the Company or the subsidiary company on the one hand and the employees of the Company or the subsidiary company on the other hand remain in force and are binding upon the Regional Corporation and the Board of Directors established under subsection 52 (2) for the remainder of the term of any subsisting agreement or agreements in that regard. 1976, c. 84, s. 1, *part.*

Management,
regulation
and control
of Company
by Regional
Council

52.—(1) The Regional Council upon the acquisition of the shares of the Company by the Regional Corporation in accordance with subsection 51 (2) shall have the right to hold and vote such shares and shall be solely responsible for the general management, regulation and control of the Company and the subsidiary company, including the provision of public transportation service to any area outside the Regional Area as such public transportation service exists on the 1st day of January, 1977, and the establishment of an appropriate fare structure for the provision of public transportation service within the Urban Transit Area as established under this Part.

Board of
Directors and
Regional
Municipality
of Hamilton-
Wentworth
Transit
Commission

(2) The Regional Council shall appoint a Board of Directors for the Company and the subsidiary company, whose term of office shall be concurrent with the term of office of the Regional Council, composed of five members of the Regional Council representing the City of Hamilton, four members of the Regional Council representing the remaining area municipalities and the chairman of the Regional Council, *ex officio*, and such Board of Directors shall be a commission to be known as "The Regional Municipality of Hamilton-Wentworth Transit Commission".

Operation and
management
of Transporta-
tion System

(3) The Commission established under subsection (2) shall operate and manage the Regional Public Transportation System in accordance with the powers and duties delegated to it by by-law of the Regional Council.

Commission
dissolved

(4) The Commission established under subsection (2) is dissolved on the 31st day of December, 1979, and thereafter no transit commission shall be established to operate and manage the Regional Public Transportation System, but the Board of Directors shall continue and be appointed from among the members of the Regional Council in such manner as may be prescribed by the Regional Council.

Borrowing
powers

(5) The Regional Corporation may borrow such sums of money as are required by the Company and the subsidiary company for the purposes of providing the public transportation service. 1976, c. 84, s. 1, *part.*

53.—(1) The City of Hamilton is established as the Urban Transit Area.

(2) The boundaries of the Urban Transit Area may be altered from time to time by the Minister upon application made by the Regional Council, provided that the Urban Transit Area shall always comprise at least the City of Hamilton, and the council of any area municipality affected by such application may make representations thereon to the Minister. 1976, c. 84, s. 1, *part.*

54.—(1) The Regional Council may by by-law levy against such of the area municipalities as are wholly or partly within the Urban Transit Area the sums required to meet any deficit arising out of the operation of the Regional Public Transportation System within the Urban Transit Area, and such by-law may include any expenditures made by the Regional Corporation required for the provision, planning or improvement of the Regional Public Transportation System in the Regional Area and such levy may also include any expenditures made by the Regional Corporation for the provision, planning or improvement of service provided to such area municipality, or any part or parts thereof, the costs of providing public transportation service to such area municipality, the revenue miles in such area municipality, actual deficits, or the combination thereof pertaining to such area municipality and such other factors that are in the opinion of the Regional Council relevant to such apportionment.

(2) The Regional Council may in its levy under subsection 101 (1) include any sums required to provide for any deficit arising out of the operation of the Regional Public Transportation System outside the limits of the Regional Area in so far as such provision has not been provided for in the agreement entered into under subsection 51 (11).

(3) The provisions of section 101 pertaining to equalized assessment apply with necessary modifications to the calculation of any levy made under this Part.

(4) The clerk of the Regional Council shall within ten days of the passing of a by-law under subsection (1) give written notice to the clerk of each area municipality affected by such by-law of the terms of such by-law and the area municipality may, within thirty days of receipt of such notice, appeal the levy under such by-law to the Municipal Board for determination.

(5) An area municipality may pay the amounts charged to it under a by-law passed under subsection (1), or under

Urban Transit Area

Alteration of Urban Transit Area

Levy for deficit against area municipalities within Urban Transit Area

Levy under s. 101 (1)

Application of s. 101

Notice of by-law and appeal to O.M.B.

Levy of special rate by area municipality

an agreement entered into under this Part, out of its general funds, or subject to the approval of the Municipal Board may pass one or more by-laws to impose a special rate or rates in one or more defined areas of the area municipality to raise the whole or any part of the amounts charged to such area municipality.

Deemed
tax

(6) Where a special rate is levied under subsection (5), such amount shall be deemed to be a tax and collectable in the same manner as municipal taxes. 1976, c. 84, s. 1, *part*.

Parking
lots

55.—(1) The Regional Council may establish, construct, manage and operate parking lots and structures for the parking of vehicles in connection with the Regional Public Transportation System and charge fees for parking therein and the Regional Council may pass by-laws to regulate and control the parking of vehicles therein and thereon.

Powers of
Regional
Council

(2) The Regional Council may, by by-law,

(a) acquire by purchase or otherwise, without the approval of the Municipal Board, the transportation facilities and equipment of any person or area municipality;

(b) acquire, by purchase or otherwise, any real or personal property required for its public transportation service; and

R.S.O. 1980,
c. 425

(c) subject to the *Public Vehicles Act*, provide public transportation service beyond the Regional Area throughout Ontario, and whether by chartered trips or otherwise, outside Ontario, subject to compliance with the laws of all jurisdictions in which such public transportation service or chartered trips are to operate. 1976, c. 84, s. 1, *part*.

Auditors

56.—(1) The auditors of the Regional Corporation shall be the auditors of the Company and the subsidiary company.

Non-
application of
R.S.O. 1980,
c. 309

(2) The *Municipal Franchises Act* does not apply to the public transportation service operated by the Regional Corporation within the Regional Area. 1976, c. 84, s. 1, *part*.

Application
for
establish-
ment of Urban
Transit
Service
Area

57.—(1) The Regional Council shall apply to the Minister of Transportation and Communications for the establishment of an area within the Regional Area as an Urban Transit Service Area and such Area when established shall be deemed to be an urban municipality for the purposes of the *Public Vehicles Act*.

(2) Each area municipality shall, subject to subsection (1), be deemed to be an urban municipality for the purposes of the *Public Vehicles Act*. Area municipality deemed urban municipality R.S.O. 1980, c. 425

(3) The Minister of Transportation and Communications may by order establish an Urban Transit Service Area upon application by the Regional Council and may refer the application to the Ontario Highway Transportation Board for a report thereon. Establishment of Urban Transit Service Area

(4) The Regional Council, the council of any area municipality and the holder of an operating licence under the *Public Vehicles Act* that notify the Ontario Highway Transportation Board that they desire a hearing in respect of the application shall be parties to the hearing before the Board. Parties to hearing

(5) Nothing in this Part affects the rights of any board of education to provide transportation services for the purposes for which such boards are entitled to transport persons nor any rights existing on the 1st day of January, 1977, of any duly licensed public transportation operator. Existing rights not affected

58. Any part of the Regional Public Transportation System operated by the Regional Council outside the Urban Transit Service Area but entirely within the Regional Area shall, subject to the approval of the Minister of Transportation and Communications, be exempt from the provisions of the *Public Vehicles Act*. 1976, c. 84, s. 1, *part*. Exemption

59.—(1) The Regional Corporation may, consistent with the provisions of this Part, do all such acts and things as may be necessary to provide a public transportation service within the Regional Area and may exercise all the rights, powers and privileges conferred by any Act upon a local municipality, including any area municipality, with respect to the provision of public transit service, including, but without limiting the generality of the foregoing, the right to enter into agreements with any area municipality for the maintenance or repair of any road or highway in an area municipality on which a public transportation vehicle is operated. General powers

(2) Notwithstanding any other provision of this Part, the Regional Council may, in each year, pay such sums of money as may be sufficient to, Reduced fares or free transportation

- (a) reduce the fares charged to the public or any part of the public served by the Regional Public Transportation System, in such amounts as the Regional Council may determine, and such payments shall be charged back to the area municipality for whose residents the payments were made; or

- (b) provide public transportation to any part or parts of the public free of charge as the Regional Council may determine. 1976, c. 84, s. 1, *part*.

Minister may
dissolve
Company and
subsidiary
company

60. The Minister may by order on application of the Regional Council dissolve the Company and subsidiary company, on such terms and conditions as he considers advisable. 1976, c. 84, s. 1, *part*.

PART V

ELECTRICAL SERVICE AREAS

Interpre-
tation

61. In this Part,

- (a) “accumulated net retail equity” means the portion of equity accumulated through debt retirement appropriations recorded for the Rural Power District relating to Ontario Hydro’s rural retail system plus the portion of the balance recorded for customers in the Stabilization of Rates and Contingencies Account, in the books of Ontario Hydro;
- (b) “area municipality” means the municipality or corporation of the Town of Ancaster, the Town of Dundas, the Town of Stoney Creek, the Township of Flamborough and the Township of Glanbrook;
- (c) “municipal commission” means a hydro-electric commission or public utilities commission entrusted with the control and management of works for the retail distribution and supply of power in the Regional Area immediately before the 19th day of June, 1980 and established or deemed to be established under Part III of the *Public Utilities Act*;
- (d) “power” means electrical power and includes electrical energy;
- (e) “regulations” means the regulations made under this Part;
- (f) “retail”, when used in relation to the distribution and supply of power, refers to the distribution and supply of power at voltages less than 50 kilovolts, but does not refer to works located within a transformer station that transform power from voltages greater than 50 kilovolts to voltages less than 50 kilovolts. 1980, c. 41, s. 1, *revised*.

R.S.O. 1980,
c. 423

Commissions
established

62.—(1) On the 19th day of June, 1980, a hydro-electric commission for each of the towns of Ancaster, Dundas and Stoney Creek and the Township of Flamborough is established.

(2) Each commission established by subsection (1) shall be deemed to be a commission established under Part III of the *Public Utilities Act* and a municipal commission within the meaning of the *Power Corporation Act*.

Application
of
R.S.O. 1980,
cc. 423, 384

(3) Each commission established by subsection (1) shall be known by the name set out below that relates to the area municipality in respect of which the commission is established:

Names of
commissions

1. Ancaster Hydro-Electric Commission.
2. Dundas Hydro-Electric Commission.
3. Flamborough Hydro-Electric Commission.
4. Stoney Creek Hydro-Electric Commission.

(4) Each commission established by subsection (1) shall consist of the mayor of the area municipality in respect of which the commission is established and additional members who are qualified electors under the *Municipal Elections Act* in the area municipality.

Composition

R.S.O. 1980,
c. 308

(5) Except as otherwise provided in this Part, the council of each area municipality shall determine by by-law whether the number of additional members of the commission established by subsection (1) in respect of the area municipality shall be two or four.

When area
municipality
may deter-
mine size of
commission

(6) For the term expiring with the 30th day of November, 1982, the Ancaster Hydro-Electric Commission established by subsection (1) shall consist of the mayor of the Town of Ancaster and the following additional members who shall be appointed by the council of the Town of Ancaster:

First
commission,
Ancaster

1. Two members of the Public Utilities Commission of the Township of Ancaster as it existed immediately before the 19th day of June, 1980.
2. Two persons who reside outside the part of the Town of Ancaster supplied with power by a municipal commission immediately before the 19th day of June, 1980.

(7) For the term expiring with the 30th day of November, 1982, the Dundas Hydro-Electric Commission established by subsection (1) shall consist of the mayor of the Town of Dundas and the following additional members who shall be appointed by the council of the Town of Dundas:

First
commission,
Dundas

1. Three members of the Dundas Public Utilities Commission as it existed immediately before the 19th day of June, 1980.
2. One person who resides outside the part of the Town of Dundas supplied with power by a municipal commission immediately before the 19th day of June, 1980.

First
commission,
Flamborough

(8) For the term expiring with the 30th day of November, 1982, the Flamborough Hydro-Electric Commission established by subsection (1) shall consist of the mayor of the Township of Flamborough and the following additional members who shall be appointed by the council of the Township of Flamborough:

1. One member of the Public Utilities Commission of the Village of Waterdown as it existed immediately before the 19th day of June, 1980.
2. One member of the Lynden Hydro-Electric Commission as it existed immediately before the 19th day of June, 1980.
3. Two persons who reside outside the part of the Township of Flamborough supplied with power by a municipal commission immediately before the 19th day of June, 1980.

First
commission,
Stoney Creek

(9) For the term expiring with the 30th day of November, 1982, the Stoney Creek Hydro-Electric Commission established by subsection (1) shall consist of the mayor of the Town of Stoney Creek and the following additional members who shall be appointed by the council of the Town of Stoney Creek:

1. Two members of the Hydro-Electric Commission of the Town of Stoney Creek as it existed immediately before the 19th day of June, 1980.
2. Two persons who reside outside the part of the Town of Stoney Creek supplied with power by a municipal commission immediately before the 19th day of June, 1980.

Additional
members
of first
commission

R.S.O. 1980,
c. 308

(10) Where this section provides that one or more members of a municipal commission are to be additional members for a term specified by this section and the number of such members who are qualified electors under the *Municipal Elections Act* is less than the required number of additional members, the council of the area municipality in respect of which the commission was established under subsection (1) shall appoint an additional member or additional members so that there will be the required number of additional members of the corporation.

(11) For terms commencing after the 30th day of November, 1982, the additional members of each commission established by subsection (1) shall be elected by a general vote of the electors of the area municipality served by the commission, unless before the 1st day of July, 1982 the council of the area municipality provides by by-law that the additional members shall be appointed by the council.

Subsequent
additional
members

(12) Members of the council of the area municipality served by a commission established by subsection (1) may be members of the commission, but the members of the council shall not form a majority of the commission.

Eligibility
of members
of council

(13) Subject to subsections (6) to (9), a member of a commission established by subsection (1) shall hold office for the same term as the members of council or until his successor is elected or appointed.

Term of
office

(14) The council of an area municipality served by a commission established by subsection (1) may, by by-law passed with the written consent of the mayor, appoint a delegate from among the members of the council to represent the mayor on the commission.

Delegates

(15) The salaries of the members of the commissions established by subsection (1) for the term expiring with the 30th day of November, 1982 shall be fixed on or before the 1st day of October, 1980 in an amount that does not exceed the highest salary paid to members of the municipal commissions operating in the Regional Area on the 1st day of January, 1980.

Salary
of first
commissions

(16) A resignation from the council of an area municipality of a member of the council who is a member of a commission established by subsection (1) shall be deemed to be a resignation from both the council and the commission. 1980, c. 41, s. 2.

Resignations

63.—(1) Except as herein provided, all the powers, rights, authorities and privileges that are conferred by the *Public Utilities Act* on a municipal corporation with respect to power shall, on and after the 1st day of January, 1981, be exercised on behalf of each area municipality by the commission established by section 62 in respect of the area municipality and not by the council of any municipality or any other person.

Powers of
commissions
R.S.O. 1980,
c. 423

(2) Subject to sections 65 and 66, on and after the 1st day of January, 1981, each commission established by section 62 has the sole right to distribute and supply power within the area municipality in respect of which it is established.

Right to
distribute
and supply
power

(3) The right of a commission established by section 62 to distribute and supply power is subject to any subsisting contracts

Subsisting
contracts

for the supply of power made under section 69 of the *Power Corporation Act*.

Contract
with
Ontario
Hydro

(4) A commission established by section 62 may contract with Ontario Hydro without electoral assent or other approval or authorization for the transmission and supply to the commission of power to be distributed and sold in the area municipality served by the commission.

Idem

R.S.O. 1980,
c. 302

(5) A contract under subsection (4) shall be deemed to be an agreement within the meaning of clause 149 (2) (s) of the *Municipal Act*.

Application of
R.S.O. 1980,
c. 384

(6) Except where inconsistent with the provisions of this Part, the provisions of the *Power Corporation Act* applicable to a municipal corporation that has entered into a contract with Ontario Hydro for the distribution and supply of power to the municipal corporation apply to the commissions established by section 62.

Direct
customers

(7) With the consent of a commission established by section 62, Ontario Hydro may distribute and supply power directly to customers in the area municipality in respect of which the commission is established. 1980, c. 41, s. 3.

Establish-
ment of
commission
by by-law in
Glanbrook

64.—(1) The council of the Township of Glanbrook, with the consent of Ontario Hydro, may establish by by-law a hydro-electric commission for the Township of Glanbrook and, commencing on the date that the council shall specify in the by-law, the commission shall distribute and supply power in all of the Township of Glanbrook.

Name of
commission

(2) The commission established under subsection (1) shall be known as the Glanbrook Hydro-Electric Commission.

Composition

(3) The commission established under subsection (1),

R.S.O. 1980,
cc. 423, 384

(a) shall be deemed to be a commission established under Part III of the *Public Utilities Act* and a municipal commission within the meaning of the *Power Corporation Act*; and

R.S.O. 1980,
c. 308

(b) shall consist of the mayor of the Township of Glanbrook and additional members who are qualified electors under the *Municipal Elections Act* in the Township of Glanbrook.

First
additional
members

(4) The council of the Township of Glanbrook shall appoint the first additional members of the commission established under subsection (1).

(5) For terms after the first term, the additional members of the commission shall be elected by a general vote of the electors of the area municipality unless, before the completion of the first term of office of the members of the commission, the council of the Township of Glanbrook provides by by-law that the additional members shall be appointed by the council.

Subsequent
additional
members

(6) Upon the establishment of a commission under subsection (1),

Application
of other
sections
of Part

(a) subsections 62 (5), (12), (13), (14) and (16), section 63, subsection 66 (2) and sections 68 to 72 shall apply with necessary modifications and, for the purpose, the dates mentioned therein shall be deemed to be the dates that shall be specified in the by-law mentioned in subsection (1); and

(b) the commission, for the purposes of clause (a), shall be deemed to be a commission established by section 62.

(7) Until such time as the power conferred by subsection (1) has been exercised,

Review of
distribution
and supply
of power

(a) the council of the Township of Glanbrook shall review the distribution and supply of power within the area municipality at least once in every three years, and shall determine by resolution whether or not it is financially feasible to exercise the power conferred by subsection (1); and

(b) where the council determines as provided in clause (a) that it is financially feasible, the council shall exercise the power conferred by subsection (1). 1980, c. 41, s. 4.

65.—(1) The council of each of the Town of Ancaster and the Township of Flamborough, with the consent of Ontario Hydro and without the assent of the municipal electors, by by-law,

Supply of
power in all
areas of
municipalities
of Ancaster,
Flamborough

(a) may direct the commission established by section 62 in respect of the municipality to commence on a day specified by the by-law the distribution and supply of power in all areas of the municipality and on the specified day sections 68 and 72 shall apply with necessary modifications to the assets and employees of Ontario Hydro in the municipality; or

(b) may dissolve the commission established by section 62 in respect of the municipality on a day specified by the by-law and on the specified day,

(i) all assets under the control and management of and all liabilities of the commission, and all debentures issued in respect of the distribution and supply of power in the municipality are, without compensation, assets and liabilities of Ontario Hydro, and

(ii) Ontario Hydro shall commence to distribute and supply power in all areas of the municipality.

Review of
distribution
and supply
of power

(2) Until such time as the power conferred by subsection (1) has been exercised,

(a) the council of each of the Town of Ancaster and the Township of Flamborough shall review the distribution and supply of power within their respective municipalities at least once in every three years and shall determine by resolution whether or not it is financially feasible to exercise the power conferred by subsection (1); and

(b) where the council of the Town of Ancaster or the Township of Flamborough determines as provided in clause (a) that it is financially feasible for the commission established under section 62 in respect of the municipality to distribute and supply power in the entire municipality, the council, subject to the approval of Ontario Hydro, shall exercise the power conferred by subsection (1).

Flamborough
Hydro-Electric
Commission,
additional
duty

(3) The Flamborough Hydro-Electric Commission established by section 62 shall distribute and supply power to those customers in the Town of Ancaster to whom the Lynden Hydro-Electric Commission is distributing and supplying power as of the 31st day of December, 1980 until either,

(a) the Ancaster Hydro-Electric Commission established by section 62 commences to distribute and supply power in all areas of the Town of Ancaster; or

(b) the Flamborough Hydro-Electric Commission established by section 62 is dissolved,

as provided in subsection (1). 1980, c. 41, s. 5.

Where
Ontario
Hydro to
distribute
and supply
power

66.—(1) Ontario Hydro shall continue to distribute and supply power in those areas of the Town of Ancaster and the townships of Flamborough and Glanbrook that Ontario Hydro served immediately before the 19th day of June, 1980.

(2) The duty of Ontario Hydro under subsection (1) to distribute and supply power in an area municipality is terminated, on the date specified in the by-law, by a by-law passed with the consent of Ontario Hydro by the council of the area municipality under subsection 64 (1) or clause 65 (1) (a).

Termination of duty to distribute and supply power

(3) Sections 68 and 72 do not apply in respect of the assets and employees of Ontario Hydro in an area municipality until the passing of the by-law referred to in subsection (2). 1980, c. 41, s. 6.

Assets and employees

67.—(1) On the 1st day of January, 1981, all assets under the control and management of and all liabilities of the municipal commissions in each area municipality are, without compensation, assets under the control and management of and liabilities of the commission established by section 62 in respect of the area municipality.

Transfer of assets and liabilities

(2) Any of the assets, powers and responsibilities of the municipal commissions in an area municipality that pertain to the distribution and supply of power in the area municipality may be transferred by agreement before the 1st day of January, 1981 to the commission established by section 62 in respect of the area municipality. 1980, c. 41, s. 7.

Transitional

68.—(1) On or before the 1st day of January, 1981, each commission established by section 62 shall purchase, on behalf of the area municipality served by the commission, and Ontario Hydro shall sell to the commission, the assets and liabilities of Ontario Hydro that pertain to the distribution and supply of power at retail in the area municipality.

Purchase of retail distribution facilities from Ontario Hydro

(2) The purchases mentioned in subsection (1) shall include equipment leased by Ontario Hydro to retail customers in the area municipalities for the use of power supplied to the retail customers.

Leased equipment

(3) The purchase price shall be determined in accordance with the regulations and shall be equal to the original cost of the assets less the sum of,

Purchase price

(a) the accumulated net retail equity of the customers supplied with power through the assets; and

(b) the accumulated depreciation associated with the assets.
1980, c. 41, s. 8.

69.—(1) In this section, “parties” means Ontario Hydro and, in each case, the commission established by section 62.

Interpretation

Where price
to be deter-
mined by
arbitration

(2) If the purchase price under section 68 is not determined before the 1st day of January, 1982, either of the parties at any time thereafter may request that the purchase price be determined by a single arbitrator agreed on by the parties.

Application of
R.S.O. 1980,
c. 25

(3) The *Arbitrations Act* applies where a request is made under subsection (2). 1980, c. 41, s. 9.

Vesting
of real
property

70.—(1) All real property transferred by section 67 to the control and management of a commission established by section 62 or otherwise acquired by or for the commission shall be held by the commission in trust for the area municipality served by the commission.

Disposition
of real
property

(2) Where a commission established by section 62 is of the opinion, and so declares by resolution, that any real property under its control and management is not required for its purposes, unless otherwise agreed upon by the commission and the area municipality served by the commission, the real property may be disposed of as follows:

1. In the event that the area municipality served by the commission wishes in good faith to use the real property for a municipal purpose, it shall compensate the commission for the real property at its actual cost, less accrued depreciation as shown on the books of the commission or the assessed value of the real property, whichever is the greater, and when the municipality in good faith no longer wishes to use the real property for a municipal purpose, the area municipality may sell, lease or otherwise dispose of the real property without the assent of Ontario Hydro and may retain the proceeds of the sale, lease or disposition as municipal funds.
2. In the event that the municipality served by the commission does not wish to use the real property in accordance with paragraph 1, the commission shall, as soon as practicable, sell, lease or otherwise dispose of the real property at fair market value on behalf of the municipality and the net proceeds derived from the sale, lease or other disposition of the real property or the compensation paid therefor under this subsection shall be received by the commission and shall be applied in accordance with the *Public Utilities Act*. 1980, c. 41, s. 10.

R.S.O. 1980,
c. 423

Borrowing

71. Except as otherwise provided in this Part, sections 129 to 150 apply, with necessary modifications, to any borrowing for the purposes of a commission established by section 62. 1980, c. 41, s. 11.

72.—(1) In this section, “transfer date”, when used in respect of an employee of a municipal commission or Ontario Hydro, means the date on which a commission established by section 62 assumes liability for the payment of the wages or salary of the employee.

Interpre-
tation

(2) On or before the 31st day of December, 1980, Ontario Hydro and each municipal commission that supplied power in an area municipality immediately before the coming into force of this Act shall designate those of their full-time employees who were employed in the distribution and supply of power in an area municipality on the 1st day of January, 1980, and who continued such employment until the 31st day of December, 1980 or until their transfer dates, as the case may be, and each commission established by section 62 shall offer employment to the employees designated in respect of the area municipality served by the commission.

Transfer of
employees

(3) A person who accepts employment under this section is entitled to receive, for a period of one year commencing on the transfer date, a wage or salary not less than the wage or salary he was receiving on the day nine months before the transfer date.

Wages or
salaries

(4) Each commission established by section 62 shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the 19th day of June, 1980, and a person who accepts employment under this section shall be deemed to continue or to become a member of the System, as the case requires, on his transfer date, and the *Ontario Municipal Employees Retirement System Act* applies to such person as a member of the System.

Participation
in O.M.E.R.S.

R.S.O. 1980,
c. 348

(5) When a person who accepts employment under this section with a commission established by section 62 is entitled immediately before this transfer date to the benefit of a supplementary agreement between the Ontario Municipal Employees Retirement Board and a municipal commission that, immediately before the 19th day of June, 1980, supplied power in an area municipality mentioned in subsection 62 (1), the commission established by section 62 shall assume, in respect of the person, all rights and obligations under the supplementary agreement as if the commission had been a party to the agreement in the place of the municipal commission.

Supple-
mentary
agreements

(6) Where a person who accepts employment under this section is a contributor to The Pension and Insurance Fund of Ontario Hydro immediately before his transfer date, the present value of the pension earned by the person in The Pension and Insurance Fund of Ontario Hydro at the transfer date or the contributions of the person in the Fund with interest accumulated and credited to

Transfer of
pension credits
from
Ontario
Hydro Plan

the person in the Fund, whichever is the greater, shall be transferred to the Ontario Municipal Employees Retirement Fund and the person shall be given credit in the Ontario Municipal Employees Retirement System for a period of service equal to the period of service for which he was given credit in The Ontario Hydro Pension and Insurance Plan.

Pension
guarantee

(7) Notwithstanding subsection (4), a person who accepts employment under this section with a commission established by section 62 and who,

- (a) was employed by Ontario Hydro immediately before his transfer date; and
- (b) continues in the employment of a municipal hydro-electric commission until he or his beneficiary becomes entitled to a pension benefit,

is entitled to at least the pension benefit he would have been entitled to under The Ontario Hydro Pension and Insurance Plan if his years of continuous service with the commission had been additional years of continuous service with Ontario Hydro and if there had been no change in the Plan after the 31st day of December, 1980, calculated on the basis of the wage or salary paid to the person by Ontario Hydro and the commission, and the cost, if any, of the pension benefit over the cost of the pension benefit to which the person is entitled under subsection (4) shall be apportioned and paid as provided by the regulations.

Group life
insurance

(8) A person who accepts employment under this section is entitled as a term of his employment to continue as a member of the group life insurance plan in which he was a member with his former employer until the effective date of a common group life insurance plan covering all eligible employees of his new employer.

Idem

(9) On or before the 31st day of December, 1982, each commission established by section 62 shall provide a common group life insurance plan covering all of the eligible employees of the commission, and the plan shall provide to any person accepting employment under this section, by option or otherwise, insurance coverage not inferior to the insurance coverage to which the person was entitled immediately before his transfer date.

Sick leave

(10) A person who accepts employment under this section shall continue to enjoy the rights and benefits of sick leave entitlements or sick leave insurance provided by his former employer immediately before the transfer date until the new employer establishes a sick leave entitlement plan or sick leave insurance

plan, and thereupon the person shall receive allowance or credit for any accrued sick leave rights or benefits.

(11) Each commission established by section 62 shall continue the provision of life insurance to pensioners formerly employed by a municipal commission in the distribution and supply of power in the area municipality served by the commission established by section 62. Life insurance provided to pensioners

(12) Nothing in this section prevents an employer from terminating the employment of an employee for cause. Termination for cause

(13) Where, in the opinion of the Minister, a person who is designated or who accepts employment under this section experiences any difficulty or hardship with regard to life insurance benefits, pension rights, pension benefits or sick leave rights or benefits, the Minister by order may do anything necessary to remedy or alleviate such difficulty or hardship. 1980, c. 41, s. 12. Special circumstances

73.—(1) For the purposes of section 153 and except in respect of Hamilton Hydro-Electric Commission, the 1st day of January, 1981 is the date determined and the date designated by the Minister in respect of the Regional Area and on that date the municipal commissions, other than Hamilton Hydro-Electric Commission, supplying only electrical power and energy in that area immediately before the 19th day of June, 1980 are dissolved and any by-laws establishing them passed under sections 37 and 39 of the *Public Utilities Act* shall be deemed to be repealed and the assent of the municipal electors is not required. Dissolution of existing commissions
R.S.O. 1980, c. 423

(2) On and after the 19th day of June, 1980, section 153 does not apply to Hamilton Hydro-Electric Commission and that Commission is no longer a local board and is a commission to which Part III of the *Public Utilities Act* applies. 1980, c. 41, s. 13. Hamilton Hydro-Electric Commission

74. The Lieutenant Governor in Council may make regulations, Regulations

(a) for the purpose of subsection 68 (3) in respect of,

- (i) the method of determining the original cost of the assets or of any asset or of any part of any asset,
- (ii) the allocation of the original cost of the assets or of any asset or of any part of any asset,

- (iii) the method of determining the amount of any component of the accumulated net retail equity,
 - (iv) the allocation of the accumulated net retail equity or any component of the accumulated net retail equity,
 - (v) the method of calculating accumulated depreciation of any component of accumulated depreciation,
 - (vi) the allocation of accumulated depreciation or any component of accumulated depreciation,
 - (vii) the method of payment of the price of the assets;
- (b) for the purposes of subsection 72 (7), in respect of the apportionment of the excess cost of any benefit referred to in the subsection and the payment of the excess cost or any part thereof. 1980, c. 41, s. 14.

PART VI

PLANNING

Planning
Area
R.S.O. 1980,
c. 379

75.—(1) The Regional Area is continued as a joint planning area under the *Planning Act* known as the Hamilton-Wentworth Planning Area. 1973, c. 74, s. 54 (1).

Designated
municipality

(2) The Regional Corporation is the designated municipality within the meaning of the *Planning Act* for the purposes of the Hamilton-Wentworth Planning Area and each area municipality is the designated municipality within the meaning of the *Planning Act* for the purposes of the subsidiary planning area it constitutes. 1978, c. 33, s. 99.

Planning
areas
dissolved

(3) All planning areas and subsidiary planning areas that are included in the Hamilton-Wentworth Planning Area together with the boards thereof are dissolved on the 31st day of December, 1973.

Area muni-
cipalities
subsidiary
planning
areas

(4) Each area municipality is continued as a subsidiary planning area and the council thereof shall have all the powers of a planning board under the *Planning Act* and no area municipality shall establish a planning board.

Proviso

(5) Nothing in subsections (3) and (4) affects any official plan in effect in any part of the Regional Area.

(6) When the Minister of Housing has approved an official plan adopted by the Regional Council, Effect of official plan

- (a) every official plan and every by-law passed under section 39 of the *Planning Act* or a predecessor thereof then in effect in the planning area affected thereby shall be amended forthwith to conform therewith; and R.S.O. 1980, c. 379
- (b) no official plan of a subsidiary planning area shall be approved that does not conform therewith. 1973, c. 74, s. 54 (3-6).

76.—(1) The Regional Council shall investigate and survey the physical, social and economic conditions in relation to the development of the Hamilton-Wentworth Planning Area and may perform such other duties of a planning nature as may be referred to it by any council having jurisdiction in the Hamilton-Wentworth Planning Area, and without limiting the generality of the foregoing shall, Planning duties of Regional Council

- (a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the Hamilton-Wentworth Planning Area;
- (b) hold public meetings and publish information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the Hamilton-Wentworth Planning Area;
- (c) consult with any local board having jurisdiction within the Hamilton-Wentworth Planning Area;

(2) The Regional Council, before the 31st day of December, 1976, shall prepare, adopt and forward to the Minister of Housing for approval an official plan for the Regional Area. Official plan

(3) The Regional Council and the council of each area municipality may appoint such planning committees and staff as it considers necessary. 1973, c. 74, s. 55 (1-3). Appointment of planning staff

(4) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a planning board for the purposes of section 1, subsections 2 (4), (6) and (7), sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26 and 27, subsection 29 (25), sections 36, 50 and 51 of the *Planning Act* and where the Regional Council meets in respect of matters pertaining Regional Corporation deemed municipality under R.S.O. 1980, c. 379

to planning for the purposes aforesaid, no separate meeting of the Council as a planning board is required. 1978, c. 33, s. 100.

Idem

(5) The Regional Corporation shall be deemed to be a county for the purposes of section 47 of the *Planning Act*.

Agreements
re plans of
subdivision

(6) The Regional Corporation may enter into agreements with area municipalities or persons relating to approval of plans of subdivision.

Agreements
re special
studies

(7) The Regional Corporation, with the approval of the Minister of Housing, may enter into agreements with any governmental authority or any agency thereof created by statute for the carrying out of studies relating to the Hamilton-Wentworth Planning Area or any part thereof. 1973, c. 74, s. 55 (5-7).

Committees
of adjust-
ment

(8) All committees of adjustment heretofore constituted by the council of a local municipality in the Hamilton-Wentworth Planning Area are dissolved on the 31st day of December, 1973, and the council of each area municipality shall by by-law constitute and appoint a committee of adjustment under section 48 of the *Planning Act*, but notwithstanding the provisions of such Act no such committee shall have any authority to grant consents referred to in section 29 of such Act.

Land
division
committee

(9) The Regional Council shall, without notice from the Minister of Housing, constitute and appoint a land division committee composed of such number of persons, not fewer than three, as the Regional Council considers advisable, to grant consents referred to in section 29 of the *Planning Act*. 1973, c. 74, s. 55 (9, 10).

Application of
R.S.O. 1980,
c. 379

77. Except as provided in this Part, the provisions of the *Planning Act* apply to the Regional Corporation. 1973, c. 74, s. 56.

PART VII

HEALTH AND WELFARE SERVICES

Liability
for hospital-
ization of
indigents
R.S.O. 1980,
cc. 410, 389

78.—(1) The Regional Corporation shall be deemed to be a city for all the purposes of the provisions of the *Public Hospitals Act* and the *Private Hospitals Act* respecting hospitalization and burial of indigent persons and their dependants, and no area municipality has any liability under such provisions.

(2) The Regional Corporation is liable for the hospitalization and burial, after the 31st day of December, 1973, of an indigent person or his dependant who was in hospital on the 31st day of December, 1973, and in respect of whom any local municipality within the Regional Area was liable because the indigent person was a resident of such local municipality or the County of Wentworth.

Existing
liabilities
transferred

(3) Nothing in subsection (2) relieves any such local municipality from any liability in respect of hospitalization or burials before the 1st day of January, 1974. 1973, c. 74, s. 57.

Proviso

79.—(1) The Regional Council shall be responsible for granting aid for the construction, erection, establishment, acquisition, maintenance, equipping and carrying on the business of all public hospitals including municipal hospitals and other health care facilities in the Regional Area and may issue debentures therefor, and no area municipality shall exercise any such powers in respect of public hospitals including municipal hospitals.

Aid to
hospitals

(2) The Regional Council shall be responsible for making all municipal appointments to the board of any public hospital in the Regional Area. 1973, c. 74, s. 58 (1, 2).

Regional
Council to
make
municipal
appoint-
ments to
board

(3) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection (1), prior to the 1st day of January, 1974, and if the Regional Corporation fails to pay such amounts before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 104.

Responsibility
of Regional
Corporation

(4) Notwithstanding the provisions of any general or special Act, payments made under this section shall form part of the levy under section 101. 1973, c. 74, s. 58 (4).

Hospital
costs form
part of
regional levy

80.—(1) On and after the 1st day of January, 1974, the Regional Area shall be a health unit established under the *Public Health Act* and, subject to this Part, the provisions of such Act apply, and the board of health of the health unit so established shall be known as the Hamilton-Wentworth Regional Board of Health.

Regional
Area to be
health unit
R.S.O. 1980,
c. 409

Dissolution
of Hamilton-
Wentworth
health unit

(2) The health unit serving the County of Wentworth and the City of Hamilton on the 31st day of December, 1973, is dissolved on the 1st day of January, 1974, and all the assets and liabilities thereof shall become the assets and liabilities of the Hamilton-Wentworth Regional Board of Health.

Boundaries
fixed

(3) Notwithstanding the provisions of any other Act, the boundaries of the health unit of the Regional Area shall not be altered except by order of the Minister of Health. 1973, c. 74, s. 59.

Constitution
of health
board

81.—(1) On and after the 1st day of January, 1974, the Hamilton-Wentworth Regional Board of Health shall be composed of,

- (a) seven members of the Regional Council appointed by the Regional Council; and
- (b) not more than three persons appointed by the Lieutenant Governor in Council upon the recommendation of the Minister of Health. 1973, c. 74, s. 60 (1).

Expenses
of board

(2) Notwithstanding the provisions of any other Act, the expenses incurred by the Hamilton-Wentworth Regional Board of Health in establishing and maintaining the health unit and performing its functions under the *Public Health Act* or any other Act shall be accounted for, borne and paid by the Regional Corporation. 1973, c. 74, s. 60 (3).

Regional
Corporation
deemed city
under
R.S.O. 1980,
cc. 21, 263,
463, 527

82.—(1) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a city and no area municipality shall be deemed to be a municipality:

1. *Anatomy Act*.
2. *Mental Hospitals Act*.
3. *Sanatoria for Consumptives Act*.
4. *War Veterans Burial Act*.

Regional
Corporation
deemed
county under
R.S.O. 1980,
cc. 111, 188,
200

(2) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a county and no area municipality shall be deemed to be a municipality:

1. *Day Nurseries Act.*

2. *General Welfare Assistance Act.*

3. *Homemakers and Nurses Services Act.* 1973, c. 74, s. 61.

(3) All the assets and liabilities pertaining to the functions transferred to the Regional Corporation under subsection (2) become the assets and liabilities of the Regional Corporation on the 1st day of January, 1974, and in the event there is any dispute with respect to such transfers the matter shall be submitted to the Municipal Board whose determination shall be final and binding. 1973, c. 163, s. 4.

Assets and liabilities

83.—(1) The Regional Corporation shall be deemed to be a county for the purposes of the *Homes for the Aged and Rest Homes Act*, and no area municipality has any authority as to the establishment, erection and maintenance of a home for the aged under such Act.

Liability for homes for aged
R.S.O. 1980, c. 203

(2) The homes for the aged known as Wentworth Lodge and Macassa Lodge and all assets and liabilities thereof together with all the real and personal property of such homes vest in the Regional Corporation on the 1st day of January, 1974, without compensation.

Homes for aged vested in Regional Corporation

(3) The Regional Corporation shall pay to The Corporation of the City of Hamilton on or before the due date all amounts of principal and interest becoming due upon any outstanding debt in respect of Macassa Lodge. 1973, c. 74, s. 62 (1-3).

Existing debt

(4) If the Regional Corporation fails to make any payment as required by subsection (3), the City of Hamilton may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the City determines, from such date until payment is made. 1979, c. 81, s. 105.

Default

84.—(1) The Regional Corporation shall pay to the committee or board of management of any home for the aged located outside the Regional Area the cost of maintenance in such home, incurred after the 31st day of December, 1973, of every resident of such home who was admitted thereto due to residence in any area that becomes part of an area municipality.

Residents of other homes for aged

Amount of
maintenance
payment

(2) The amount payable by the Regional Corporation under subsection (1) shall be such as may be agreed upon or, failing agreement, as may be determined by the Municipal Board. 1973, c. 74, s. 63.

Area,
municipality
not deemed
municipality
under
R.S.O. 1980,
c. 66

85. No area municipality shall be deemed to be a municipality for the purposes of the *Child Welfare Act*. 1973, c. 74, s. 64, *revised*.

Liability
under order
made under
R.S.C. 1970,
c. J-3

86. Where an order is made under subsection 20 (2) of the *Juvenile Delinquents Act* (Canada) upon an area municipality, such order shall be considered to be an order upon the Regional Corporation, and the sums of money required to be paid under such order shall be paid by the Regional Corporation and not by the area municipality. 1973, c. 74, s. 66.

Information

87. Every area municipality and every officer or employee thereof shall, at the request of the officers of the Regional Corporation who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Act. 1973, c. 74, s. 67.

Adjustments

88. In the event that there is any doubt as to whether the Regional Corporation is liable under this Part in respect of the liabilities imposed herein, the matter may be settled by agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board. 1973, c. 74, s. 68.

Grants, etc.,
to approved
corporations
under
R.S.O. 1980,
c. 201

89. The Regional Corporation may grant aid to approved corporations established under the *Homes for Retarded Persons Act*, and may enter into agreements with any of such corporations with respect to the construction, operation and maintenance of homes for retarded persons. 1973, c. 74, s. 69.

PART VIII

POLICE

Interpre-
tation

90. In this Part, "Hamilton-Wentworth Police Board" means the Hamilton-Wentworth Regional Board of Commissioners of Police. 1973, c. 74, s. 70.

91.—(1) The board of commissioners of police known as the Hamilton-Wentworth Regional Board of Commissioners of Police is continued and shall consist of,

Hamilton-Wentworth Regional Board continued

- (a) two members of the Regional Council appointed by resolution of the Regional Council;
- (b) a judge of a county or district court designated by the Lieutenant Governor in Council; and
- (c) two persons appointed by the Lieutenant Governor in Council.

(2) Three members of the Hamilton-Wentworth Police Board, including a member appointed by the Regional Council, are necessary to form a quorum. 1973, c. 74, s. 71 (1, 2).

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under the *Police Act*, to the members of the Hamilton-Wentworth Police Board appointed by the Lieutenant Governor in Council. 1978, c. 33, s. 102.

Remuneration
R.S.O. 1980,
c. 381

92.—(1) On and after the 1st day of January, 1974,

Regional Corporation deemed city under R.S.O. 1980, c. 381

- (a) the Regional Corporation shall be deemed to be a city having a population of more than 15,000 according to the last municipal census for the purposes of the *Police Act*, except subsections 8 (1) to (4) thereof;
- (b) the *Police Act*, except section 70, does not apply to any area municipality; and
- (c) the Hamilton-Wentworth Police Board and the members of the Hamilton-Wentworth Regional Police Force shall be charged with the same duties with respect to by-laws of the area municipalities as with respect to by-laws of the Regional Corporation. 1973, c. 74, s. 72 (1); 1978, c. 33, s. 103.

(2) The fines imposed for the contravention of the by-laws of any area municipality shall, where prosecuted by the Hamilton-Wentworth Regional Police Force, belong to the Regional Corporation and, where prosecuted by any other

Fines

person, belong to the area municipality whose by-law has been contravened. 1973, c. 74, s. 72 (2).

Area police
force

93.—(1) Every person who is a member of a police force of a local municipality within the Regional Area on the 1st day of April, 1973, and continues to be a member until the 31st day of December, 1973, shall, on the 1st day of January, 1974, become a member of the Hamilton-Wentworth Regional Police Force, and the provisions of subsections 24 (1), (4) and (10) apply to such members. 1973, c. 74, s. 73 (1); 1973, c. 163, s. 5 (1).

Hamilton-
Wentworth
Regional
Police
Force

(2) Every person who is a member of a police force of a local municipality on the 31st day of December, 1973, and becomes a member of the Hamilton-Wentworth Regional Police Force on the 1st day of January, 1974, is subject to the government of the Hamilton-Wentworth Police Board to the same extent as if appointed by the Hamilton-Wentworth Police Board and the Hamilton-Wentworth Police Association shall be entitled to make representations to such Board in respect of by-laws and regulations for the government of the Hamilton-Wentworth Regional Police. 1973, c. 74, s. 73 (2).

Terms of
employment

(3) Every person who becomes a member of the Hamilton-Wentworth Regional Police Force under subsection (1) shall,

- (a) be considered to have elected to participate in the Ontario Municipal Employees Retirement System if he was a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment by the Hamilton-Wentworth Police Board and such member shall have uninterrupted membership in the Ontario Municipal Employees Retirement System, and be entitled to participate in the supplementary plan as may be established either for the Town of Stoney Creek or the Town of Dundas on and after the 1st day of January, 1974, in respect of service after such date;
- (b) with the exception of civilian employees and assistants, be retired on the last day of the month in which the member attains sixty years of age;
- (c) have credited to him in the Hamilton-Wentworth Regional Police Force the total number of years of service that he had in the police force of the local

municipality of which he was a member immediately prior to the 1st day of January, 1974;

- (d) receive such sick leave credits and benefits in the sick leave credit plan which shall be established by the Hamilton-Wentworth Police Board as he had standing to his credit in the plan of the local municipality; and
- (e) not be transferred without his consent to a detachment farther than a distance of 24.14 kilometres from the detachment headquarters of the police force of which he was a member on the 31st day of December, 1973. 1973, c. 74, s. 73 (3); 1973, c. 163, s. 5 (2); 1978, c. 87, s. 50 (4).

(4) Notwithstanding clause (3) (a), those members of the Hamilton-Wentworth Regional Police Force who participated in a supplementary pension plan on or before the 31st day of December, 1973, shall continue to participate in such plan, and in respect of those members who did not participate in a supplementary pension plan the bargaining committee established under subsection (7), and its successor, shall be entitled to negotiate with the Hamilton-Wentworth Police Board in respect of the payment by the Board of contributions into the supplementary pension plan relating to past service of such members. 1973, c. 163, s. 5 (3). Supplementary pension plans

(5) Civilian employees and assistants of the Hamilton-Wentworth Regional Police Force shall be retired on the last day of the month in which such civilian employee or assistant attains sixty-five years of age. 1973, c. 74, s. 73 (4). Civilian employee retirement

(6) Notwithstanding the provisions of clauses (3) (a) and (b), those members of the police force of a local municipality whose retirement age under By-law No. 7970 of the City of Hamilton was sixty-five years of age immediately before they became members of the Hamilton-Wentworth Regional Police Force shall retire on attaining thirty-five years of service or sixty years of age, at the option of the member, and for the purpose of bargaining for benefits in the retirement plan established by the said By-Law No. 7970 with the bargaining committee established under subsection (7), and its successor, the Hamilton-Wentworth Police Board shall stand in the place and stead of The Corporation of the City of Hamilton and the provisions of the *Police Act* apply, with necessary modifications, thereto. 1980, c. 33, s. 26. Retirement of present members of police of local municipality
R.S.O. 1980, c. 381

(7) On or before the 1st day of November, 1973, the members of the municipal police forces within the Regional Joint bargaining committee

Area shall appoint a joint bargaining committee to represent all such municipal police forces to bargain with the Hamilton-Wentworth Police Board in the manner and for the purposes provided in the *Police Act* and the Hamilton-Wentworth Police Board shall be the sole negotiating body to bargain with such committee.

R.S.O. 1980,
c. 381

Application of
R.S.O. 1980,
c. 302

(8) Section 100 of the *Municipal Act* applies with necessary modifications to the Hamilton-Wentworth Police Board. 1973, c. 74, s. 73 (6-8).

Assumption
of buildings

94.—(1) The Regional Council shall, before the 1st day of January, 1974, pass by-laws which shall be effective on such date assuming for the use of the Hamilton-Wentworth Police Board any such land or building that the Hamilton-Wentworth Police Board may require that is vested on the 1st day of July, 1973, in any local municipality or local board thereof, and at least 40 per cent of which is used on such date for the purposes of the police force of that municipality, and on the day any such by-law becomes effective the property designated therein vests in the Regional Corporation. 1973, c. 74, s. 74 (1).

Extension
of time

(2) Notwithstanding subsection (1), a by-law for assuming any land or building mentioned in subsection (1), with the approval of the Municipal Board, may be passed after the 1st day of January, 1974, and in that case the by-law shall become effective on the date provided therein.

Building
not used
exclusively
for police
force

(3) Where any part of a building mentioned in subsection (1) is used by the local municipality or a local board thereof for other than police purposes, the Regional Corporation may,

(a) where practicable, assume only the part of the building and land appurtenant thereto used for the purposes of the police force of such municipality; or

(b) vest the building and land appurtenant thereto in the Regional Corporation and enter into an agreement with such municipality or local board thereof for the use of a part of the building by such municipality or local board on such terms and conditions as may be agreed upon.

Regional
Corporation
liability

(4) Where the Regional Corporation assumes any property under subsection (1) or (2),

(a) no compensation or damage shall be payable to the local municipality or local board except as provided in this subsection;

- (b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any property vested in the Regional Corporation; and
- (c) the Regional Corporation shall thereafter pay to the area municipality for the portion of any land or building vested in the Regional Corporation under this section that is not used for police purposes on the 1st day of July, 1973, such amount as may be agreed upon and failing agreement the Municipal Board, upon application, may determine the amount and its decision is final, provided such amount shall not be greater than the capital expenditure for such portion of such land or building less the amount of any outstanding debt in respect of such portion. 1973, c. 74, s. 74 (3-5).

(5) If the Regional Corporation fails on or before the due date to make any payment required by clause (4) (b), the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 106 (1).

Default

(6) Where a building vested in a local municipality or local board is used partly by the police force of the regional municipality and is not vested in the Regional Corporation under this section, the area municipality at the request of the Hamilton-Wentworth Police Board on or after the 1st day of January, 1974, shall provide, at such rentals as may be agreed upon, at least as much accommodation in such building for the use of the Hamilton-Wentworth Police Board as was being provided by the local municipality for its police force on the 1st day of July, 1973, and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Accommodation

(7) At the request of the Hamilton-Wentworth Police Board, each area municipality, for the use of the Hamilton-Wentworth Police Board,

Office supplies, etc.

- (a) shall transfer to the Regional Corporation without compensation all personal property, including office supplies and stationery in the possession of the area municipality on the 1st day of January, 1974, that was provided for the exclusive use of the police force of the area municipality; and

- (b) shall make available to the Regional Corporation all personal property the use of which was shared by the police force and any department or departments of the area municipality on the 1st day of January, 1974, on the same terms and to the same extent as the police force used the property before such date. 1973, c. 74, s. 74 (7, 8).

Transfer of
signal systems

(8) All signal and communication systems owned by any local municipality and used for the purposes of the police force of the municipality on the 1st day of July, 1973, or thereafter, are vested in the Regional Corporation for the use of the Hamilton-Wentworth Police Board on the 1st day of January, 1974, and no compensation shall be payable to the municipality therefor and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system, and if the Regional Corporation fails to make any payment on or before such due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 106 (2).

Settling
of doubts

(9) In the event of any doubt as to whether any land or building is used at least 40 per cent for the purposes of a police force, the Municipal Board, upon application, may determine the matter and its decision is final. 1973, c. 74, s. 74 (10).

Property
to be
provided

95. The Regional Corporation shall provide all real and personal property necessary for the purposes of the Hamilton-Wentworth Police Board. 1973, c. 74, s. 75.

PART IX

REGIONAL WATERWORKS SYSTEM

Supply and
distribution
of water
by Regional
Corporation

96.—(1) On and after the 1st day of January, 1975, the Regional Corporation shall have the sole responsibility for the supply and distribution of water in the Regional Area, including the establishment, construction, maintenance, operation, improvement and the extension of waterworks systems and the financing thereof and all the provisions of any general Act relating to such supply and distribution of water and the financing thereof by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to such supply and distribution of water and the financing thereof by an area municipality

or a local board thereof, apply with necessary modifications to the Regional Corporation, except the power to establish a public utilities commission.

(2) The Regional Corporation may finance the whole or any part of the cost and debt charges of such supply and distribution of water by establishing one or more urban service areas with the approval of the Municipal Board and raising the moneys required by imposing a rate or rates in such area or areas or may raise the moneys required by any other method or methods authorized by law or by any combination thereof.

Method of financing

(3) If the Regional Corporation proceeds under the *Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the Regional Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the Regional Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the Regional Corporation.

Preparation of special assessment rolls and collection of special assessments

(4) Where the Regional Corporation does not proceed under the *Local Improvement Act* or under section 218 of the *Municipal Act*, the Regional Corporation may require any area municipality to collect the sums required for financing such supply and distribution of water either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality and such special rate does not require the approval of the Municipal Board.

Regional Corporation may require area municipality to collect moneys
R.S.O. 1980, cc. 250, 302

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to such supply and distribution of water without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

Approval of O.M.B. to undertaking, etc.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection (5) and the Board does not approve the application or approves it in part only, the Board may direct

Powers of O.M.B.

the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

Area municipalities, no power to supply and distribute water

(7) Subject to subsection (13), on or after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for such supply and distribution of water, or the financing thereof.

Vesting of property in Regional Corporation

(8) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely for the purpose of the supply and distribution of water and all other assets, liabilities and surpluses or deficits, including reserves, of the local municipalities relating to any facility for such supply and distribution of water in the Regional Area or for any area municipality is vested in the Regional Corporation effective the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Payments of principal and interest to area municipalities

(9) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under subsection (8), but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that, under the *Local Improvement Act*, is payable as the owners' share of a local improvement work. 1974, c. 117, s. 46, *part*.

R.S.O. 1980, c. 250

Default

(10) If the Regional Corporation fails to make any payment as required by subsection (9), the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 107.

Agreements

(11) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting such supply and distribution of water, the Regional Corporation shall, on and after the 1st day of January, 1974, stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Idem

(12) The Regional Corporation may enter into agreements with the corporation of any adjoining municipality, including a regional, district or metropolitan municipality, with respect to the matters provided for in this Part.

(13) The Regional Corporation may enter into an agree- Idem
ment with any area municipality or local board thereof
regarding the recovery of the cost of the supply and distribu-
tion of water.

(14) The clerk of an area municipality shall, on notice Entry by
clerk on
collector's
roll
to him by the treasurer of the Regional Corporation of an
amount due in respect of the supply of water and by whom
it is due and the lands on which a lien is claimed, enter the
amount due upon the collector's roll of the area municipality
and subsections 30 (2), (3) and (4) of the *Public Utilities Act* apply R.S.O. 1980,
c. 423
and the moneys collected shall be forwarded to the treasurer of the
Regional Corporation.

(15) All urban service areas as they exist on the 31st day Existing
urban service
areas
of December, 1974, pertaining to the purposes of this Part,
in an area municipality continue until such time as the
Regional Council otherwise determines. 1974, c. 117, s. 46,
part.

PART X

REGIONAL SEWAGE WORKS

97.—(1) On and after the 1st day of January, 1975, the Reg- Regional
Corporation
responsibility
for collection
and disposal
of sewage
ional Corporation shall, except as provided in subsection (12),
have the sole responsibility for the collection and disposal of all
sewage in the Regional Area, including the establishment, con-
struction, maintenance, operation and financing thereof, and all
the provisions of any general Act relating to such collection and
disposal of such sewage and the financing thereof by a municipal
corporation or a local board thereof and all the provisions of any
special Act relating to such collection and disposal of such sewage
and the financing thereof by an area municipality or a local board
thereof apply with necessary modifications to the Regional Cor-
poration, except the power to establish a public utilities commis-
sion. 1974, c. 117, s. 46, *part.*

(2) The Regional Corporation may finance the whole or Method of
financing
any part of the cost, including the establishment, con-
struction, maintenance, operation and debt charges, of
collection and disposal of sewage,

- (a) by imposing a surcharge on the water rate, which
does not require the approval of the Municipal
Board, and such surcharge shall be collectable
in the same manner as water rates and shall be
deemed to be a user charge and no property
shall be exempt from such charge by reason only

R.S.O. 1980,
c. 31

that it is exempt from taxation under section 3 of the *Assessment Act*;

- (b) by establishing one or more urban service areas with the approval of the Municipal Board and imposing a rate or rates in such area or areas; or
- (c) by any method or methods authorized by law or by any combination thereof. 1974, c. 117, s. 46, *part*; 1976, c. 70, s. 44.

Preparation
of special
assessment
rolls and
collection
of special
assessments
R.S.O. 1980,
c. 250

(3) If the Regional Corporation proceeds under the *Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the Regional Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the Regional Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the Regional Corporation.

Regional
Corporation
may require
area muni-
cipality to
collect
moneys
required
R.S.O. 1980,
cc. 250, 302

(4) Where the Regional Corporation does not proceed by imposing a surcharge on the water rate, or under the *Local Improvement Act*, or under section 218 of the *Municipal Act*, the Regional Corporation may require any area municipality to collect the sums required for financing the collection and disposal of sewage either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality and such special rate does not require the approval of the Municipal Board.

Approval of
O.M.B. to
undertaking,
etc.

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to the collection and disposal of sewage without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

Powers of
O.M.B.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection (5) and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

(7) Subject to subsection (15), on and after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for the collection and disposal of sewage, or the financing thereof, except as provided in subsection (12).

No area municipality to collect and dispose of sewage

(8) All sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage, including all assets and liabilities, surpluses, reserves and deficits of an area municipality relating thereto, except as provided in subsection (12), and all real and personal property of any nature whatsoever used solely for the purpose of the collection and disposal of such sewage in the Regional Area by any area municipality are vested in the Regional Corporation on the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Vesting of property in Regional Corporation

(9) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under subsection (8), but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that, under the *Local Improvement Act*, is payable as the owners' share of the local improvement work. 1974, c. 117, s. 46, *part*.

Regional Corporation liability

R.S.O. 1980, c. 250

(10) If the Regional Corporation fails to make any payment as required by subsection (9), the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 108.

Default

(11) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting the interception, collecting, settling, treating, dispersing, disposing or discharging of sewage, except as provided for in subsection (12), the Regional Corporation shall stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Agreements

(12) Subject to subsection (13), each area municipality is responsible for land drainage, including storm, surface, over-flow, subsurface, or seepage waters or other drainage from

Area municipality responsibility for storm drainage

land, within the municipality and including the drainage of any road in the municipality that does not form part of the regional road system.

Regional Corporation may undertake land drainage program

(13) The Regional Corporation may undertake such land drainage, including the assumption of any work or works of an area municipality pertaining thereto, in the whole or any part or parts of the Regional Area, and where the Regional Corporation does so the provisions of this Part apply, with necessary modifications, to the establishment, construction, maintenance, operation and financing thereof.

Agreements

(14) The Regional Corporation may enter into agreements with the corporation of any adjoining municipality, including a regional, district or metropolitan municipality with respect to the matters provided for in this Part.

Idem

(15) The Regional Corporation may enter into an agreement with any area municipality or local board thereof regarding the recovery of costs of the collection and disposal of sewage.

Existing urban service areas

(16) All urban service areas as they exist on the 31st day of December, 1974, pertaining to the purposes of this Part, in an area municipality continue until such time as the Regional Council otherwise determines. 1974, c. 117, s. 46, *part.*

PART XI

FINANCES

Interpretation
R.S.O. 1980,
c. 31

98. In this Part, "rateable property" includes business and other assessment made under the *Assessment Act*. 1973, c. 74, s. 78 (1).

Investment of moneys not immediately required
R.S.O. 1980,
c. 302

99.—(1) Section 169 of the *Municipal Act* applies with necessary modifications to the Regional Corporation. 1973, c. 74, s. 79.

Deemed municipality for purposes of
R.S.O. 1980,
c. 102, s. 35

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of section 35 of the *Credit Unions and Caisses Populaires Act*. 1979, c. 81, s. 109.

YEARLY ESTIMATES AND LEVIES

Yearly estimates

100.—(1) The Regional Council shall in each year prepare and adopt estimates of all sums required during the year for

the purposes of the Regional Corporation, including the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Ministry may from time to time prescribe.

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and amount as the Ministry may approve. 1973, c. 74, s. 80 (1, 2).

(3) Section 33 of the *Assessment Act* and section 465 of the *Municipal Act* apply with necessary modifications to the Regional Corporation. 1973, c. 74, s. 80 (7).

Application
of
R.S.O. 1980,
cc. 31, 302

101.—(1) The Regional Council in each year shall levy against the area municipalities a sum sufficient,

Levy on
area muni-
cipalities

(a) for payment of the estimated current annual expenditures as adopted; and

(b) for payment of all debts of the Regional Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the Regional Corporation is liable under this Act.

(2) The Regional Council shall ascertain and by by-law direct what portion of the sum mentioned in subsection (1) shall be levied against and in each area municipality.

Apportion-
ment

(3) Subject to subsection (9), all amounts levied under subsection (1) shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the Regional Area, according to the last revised assessment rolls.

Idem

(4) The Ministry of Revenue shall revise, equalize and weight the last revised assessment rolls of the area municipalities and, for the purpose of subsection (3), the last revised assessment rolls for the area municipalities as so revised, equalized and weighted by the Ministry of Revenue shall be deemed to be the last revised assessment rolls of the area municipalities.

Equalized
assessment

Copy to
Regional
Corporation
and area
municipalities

(5) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment, the Ministry of Revenue shall notify the Regional Corporation and each of the area municipalities of the revised, equalized and weighted assessment of each area municipality.

Appeal

(6) If any area municipality is not satisfied with the assessment as revised, equalized and weighted by the Ministry of Revenue, the area municipality may appeal from the decision of the Ministry of Revenue by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised, equalized and weighted assessment was sent to the area municipality by the Ministry of Revenue.

Idem

(7) Every notice of revision, equalization and weighting made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision, equalization and weighting.

Amendment
of by-law
where
necessary
following
appeal

(8) Where the last revised assessment of the area municipality has been revised, equalized and weighted by the Ministry of Revenue and has been appealed, the Regional Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection (2) so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and,

(a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the treasurer of the Regional Corporation; and

(b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the treasurer of the Regional Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the treasurer of the Regional Corporation shall pay the amount of the decrease to the treasurer of the area municipality.

Fixed
assessments,
etc., not
to apply

(9) The apportionment of the levy among the area municipalities as provided for in subsections (2) and (3) shall be based on the full value of all rateable property, and, notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 22 of the *Assessment Act*, or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of the *Assessment Act*.

(10) The assessment upon which the levy shall be apportioned among the area municipalities shall include the valuations of all properties for which payments in lieu of taxes which include a payment in respect of regional levies are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or Ontario Hydro or under subsection 155 (6) to any area municipality and the amount by which the assessment of an area municipality shall be deemed to be increased by virtue of payments under sections 160 and 161 of the *Municipal Act* and section 4 of the *Provincial Parks Municipal Tax Assistance Act* and subsection 8 (1) of the *Ontario Unconditional Grants Act*.

Assessment to include valuations on properties for which payments in lieu of taxes paid

R.S.O. 1980, cc. 302, 402, 359

(11) Within fourteen days of a request by the Ministry of Revenue, the clerk of an area municipality shall transmit to the Ministry a statement of the payments referred to in subsection (10) and the Ministry shall revise, equalize and weight the valuations of these payments and shall notify the Regional Corporation and the appropriate area municipality of such valuations.

Valuation of properties

(12) One by-law or several by-laws for making the levies may be passed as the Regional Council may consider expedient.

Levy by-laws

(13) Subject to subsections 36 (4), (5) and (6) of the *Assessment Act*, in each area municipality the regional levy shall be calculated and levied upon the whole rateable property rateable for such purpose within such area municipality according to the last revised assessment roll thereof.

Regional levy
R.S.O. 1980, c. 31

(14) All moneys levied against an area municipality under the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the Regional Corporation and the treasurer of every area municipality shall pay the moneys so levied to the treasurer of the Regional Corporation at the times and in the amounts specified by the by-law of the Regional Council mentioned in subsection (2). 1973, c. 74, s. 81 (1-14).

Payment

(15) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 15 per cent per annum, or such lower rate as the Regional Council determines, from the date payment is due until it is made. 1979, c. 81, s. 110.

Default

102—(1) The Ministry of Revenue shall revise, equalize and weight each part of the last revised assessment roll of the area municipalities that relates to a merged area and each

Equalized assessment of merged areas

such part of the last revised assessment roll of each of the area municipalities as revised, equalized and weighted is final and binding.

Notice

(2) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment in an area municipality under subsection (1), the Ministry of Revenue shall notify the area municipality of the revised, equalized and weighted assessment.

Apportionment among merged areas
R.S.O. 1980,
cc. 302, 31

(3) The net regional levy and the sums adopted in accordance with section 164 of the *Municipal Act* for all purposes, excluding school purposes, levied against the whole rateable property of an area municipality shall be apportioned among the merged areas of such area municipality in the proportion that the total equalized and weighted assessment of each merged area bears to the total equalized and weighted assessment of the area municipality both according to the last revised assessment roll as equalized and weighted by the Ministry of Revenue under subsection (1), and subsection 26 (9) of the *Assessment Act* shall not apply to any apportionment by an area municipality under this subsection. 1973, c. 74, s. 82 (1-3).

Levy by
Regional
Council
before
estimates
adopted

103.—(1) Notwithstanding section 101, the Regional Council may, before the adoption of estimates for the year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the Regional Council in the preceding year against that area municipality and subsections 101 (14) and (15) apply to such levy.

Levy under
s. 101 to be
reduced

(2) The amount of any levy made under subsection (1) shall be deducted from the amount of the levy made under section 101.

Levy by
area
municipality
before
estimates
adopted

(3) Notwithstanding section 102, the council of an area municipality may in any year before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, on the whole of the assessment for real property including business assessment in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters.

Levy under
s. 102 to be
reduced

(4) The amount of any levy under subsection (3) shall be deducted from the amount of the levy made under section 102.

Application of
R.S.O. 1980,
c. 302, s. 159
(5)

(5) Subsection 159 (5) of the *Municipal Act* applies to levies made under this section. 1973, c. 74, s. 83 (2-6).

104.—(1) For the purposes of levying taxes under Part IV of the *Education Act*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the area municipality shall be deemed to be the council of each such merged area.

Rates under
R.S.O. 1980,
c. 129,
Pt. IV

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of the application of section 222 of the *Education Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 102 (1).

Rates for
public
school
purposes on
commercial
assessment

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 222 of the *Education Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 102 (1).

Rates for
public school
purposes on
residential
assessment

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 222 of the *Education Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 102 (1).

Rates for
secondary
school
purposes on
commercial
assessment

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 222 of the *Education Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance within subsection 102 (1).

Rates for
secondary
school
purposes on
residential
assessment

(6) Notwithstanding subsections (2), (3), (4) and (5) where, in any year, a regulation is in force under section 214 of the *Educa-*

Regulations
under
R.S.O. 1980,
c. 129 to apply

tion Act, the apportionments referred to in subsections (2), (3), (4) and (5) shall be made in accordance with the regulation. 1973, c. 74, s. 84.

ADJUSTMENTS

Transitional adjustments

105. The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section. 1973, c. 74, s. 85.

RESERVE FUNDS

Reserve funds of municipalities

106.—(1) Reserve funds established by local municipalities for purposes for which the Regional Council has authority to spend funds and for which the council of an area municipality has no authority to spend funds are reserve funds of the Regional Corporation and the assets of such reserve funds are vested in the Regional Corporation.

Idem

(2) Reserve funds established by local municipalities, other than divided municipalities, for purposes for which the councils of area municipalities have authority to spend funds and for which the Regional Council has no authority to spend funds are reserve funds of the area municipality of which the local municipality forms a part and the assets of such reserve funds are vested in such area municipality. 1973, c. 74, s. 89.

Reserve funds, establishment

107.—(1) The Regional Council may in each year provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds. 1976, c. 70, s. 45 (1).

Investments and income

(2) The moneys raised for a reserve fund established under subsection (1) shall be paid into a special account and may be invested in such securities as a trustee may invest in under the *Trustee Act*, and the earnings derived from the investment of such moneys form part of the reserve fund. 1973, c. 74, s. 90 (2).

R.S.O. 1980,
c. 512

Expenditure of reserve fund moneys

(3) The moneys raised for a reserve fund established under subsection (1) shall not be expended, pledged or applied to any purpose other than that for which the fund was

established, unless approved by the Regional Council. 1976, c. 70, s. 45 (2).

(4) The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection (1). 1973, c. 74, s. 90 (4). Auditor to report on reserve funds

TEMPORARY LOANS

108.—(1) The Regional Council may by by-law, either before or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize the chairman and treasurer to borrow from time to time by way of promissory note such sums as the Regional Council considers necessary to meet, until the levies and other revenues are received, the current expenditures of the Regional Corporation for the year, including the amounts required for principal and interest falling due within the year upon any debt of the Regional Corporation and the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation. Current borrowings

(2) The amount that may be borrowed at any one time for the purposes mentioned in subsection (1), together with any similar borrowings that have not been repaid, shall not, except with the approval of the Municipal Board, exceed 70 per cent of the uncollected balance of the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the year. Limit upon borrowings

(3) Until such estimates are adopted, the limitation upon borrowing prescribed by subsection (2) shall temporarily be calculated upon the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the next preceding year. Temporary application of estimates of preceding year

(4) The lender is not bound to establish the necessity of borrowing the sum lent or to see to its application. Protection of lender

(5) Any promissory note made under the authority of this section shall be sealed with the seal of the Regional Corporation and signed by the chairman or by some other person authorized by by-law to sign it, and by the treasurer, and may be expressed so as to bear interest only upon such money as may be borrowed thereon from the time when such money is actually lent. Execution of promissory notes

(6) The signature of the chairman or any other person authorized to sign promissory notes may be written, stamped, lithographed, engraved or otherwise mechanically Idem

reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced.

Creation
of charge

(7) The Regional Council may by by-law provide or authorize the chairman and treasurer to provide by agreement that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, be a charge upon the whole or any part or parts of the revenues of the Regional Corporation for the current year and for any preceding years as and when such revenues are received, provided that such charge does not defeat or affect and is subject to any prior charge then subsisting in favour of any other lender.

Execution of
agreements

(8) Any agreement entered into under subsection (7) shall be sealed with the corporate seal and signed by the chairman and treasurer.

Penalty
for excess
borrowings

(9) If the Regional Council authorizes the borrowing of or borrows any larger amount than is permitted under this section, every member who knowingly votes therefor is disqualified from holding any municipal office for two years.

Penalty
for mis-
application
of revenues
by Regional
Council

(10) If the Regional Council authorizes the application of any revenues of the Regional Corporation charged under the authority of this section otherwise than in repayment of the loan secured by such charge, the members who knowingly vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Penalty
for mis-
application
of revenues
by officials

(11) If any member of the Regional Council or officer of the Regional Corporation knowingly applies any revenues so charged otherwise than in repayment of the loan secured by such charge, he is personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Saving
as to
penalties

(12) Subsections (9), (10) and (11) do not apply to the Regional Council or any member of the Regional Council or officer of the Regional Corporation acting under an order or direction issued or made under the authority of the *Municipal Affairs Act*, nor do they apply in any case where appli-

cation of the revenues of the Regional Corporation is made with the consent of the lender in whose favour a charge exists. 1977, c. 34, s. 40.

109.—(1) Where the Regional Corporation has entered into an agreement under the *Ontario Water Resources Act* whereby the Regional Corporation is entitled to receive moneys from the Crown, the Regional Council pending the receipt of such moneys may, in order to meet expenditures incurred in carrying out the agreement, agree with a bank or a person for temporary advances from time to time.

Temporary
borrowing
R.S.O. 1980,
c. 361

(2) The proceeds of every advance under this section shall be applied to the expenditures incurred in carrying out the agreement made by the Regional Corporation under the *Ontario Water Resources Act*, but the lender shall not be bound to see to the application of the proceeds and, when the Regional Corporation has received the moneys to which it is entitled from the Crown under the said agreement such moneys shall be applied first in repayment of the advances. 1976, c. 43, s. 88.

Application
of proceeds

DEBT

110.—(1) Subject to the limitations and restrictions in this Act and the *Ontario Municipal Board Act*, the Regional Council may borrow money for the purposes of,

Debt
R.S.O. 1980,
c. 347

- (a) the Regional Corporation;
- (b) any area municipality;
- (c) the joint purposes of any two or more area municipalities,

whether under this or any general or special Act, and may issue debentures therefor on the credit of the Regional Corporation.

(2) All debentures issued pursuant to a by-law passed by the Regional Council under the authority of this Act are direct, joint and several obligations of the Regional Corporation and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities, but nothing in this subsection affects the rights of the Regional Corporation and of the area municipalities respectively as among themselves.

Liability

Limitation (3) Notwithstanding any general or special Act, no area municipality has, after the 31st day of December, 1973, power to issue debentures.

Uncompleted works (4) When an area municipality, on or before the 31st day of December, 1973,

R.S.O. 1980,
c. 347

(a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 64 (1) of the *Ontario Municipal Board Act*; and

(b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

the Regional Council upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the Regional Corporation for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 113 and no further approval of the Municipal Board is required.

Bonds,
debentures,
etc., trustee
investments

R.S.O. 1980,
c. 512

(5) Bonds, debentures and other evidences of indebtedness of the Regional Corporation shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of the *Trustee Act*. 1973, c. 74, s. 92.

Power to
incur debt
or issue
debentures

111. Subject to the limitations and restrictions in this Act and the *Ontario Municipal Board Act*, the Regional Corporation may by by-law incur a debt or issue debentures for the purposes set forth in subsection 110 (1) and, notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the Regional Area. 1973, c. 74, s. 93.

Idem

112.—(1) Where, under any general or special Act, an area municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the Regional Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence to the passing of the by-law by the Regional Council has been obtained.

(2) Nothing in subsection (1) requires the assent of any ^{Proviso} electors where such assent has been dispensed with under section 63 of the *Ontario Municipal Board Act*, 1973, c. 74, ^{R.S.O. 1980,} s. 94. ^{c. 347}

113.—(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time for the purposes authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan. ^{Borrowing pending issue and sale of debentures}

(2) When the Municipal Board has authorized the borrow- ^{Idem} ing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of the area municipality pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality. 1977, c. 34, s. 41 (1).

(3) The Regional Corporation may charge interest on any proceeds of an advance or loan transferred under subsection (2) at a rate sufficient to reimburse it for the cost of such advance or loan. ^{Interest on proceeds transferred}

(4) The proceeds of every advance or loan under this section shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to see to the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality, the balance, subject to section 126 shall be transferred to the area municipality. ^{Application of proceeds of loan}

(5) Subject to subsection (4), the redemption of a debenture hypothecated does not prevent the subsequent sale thereof. 1973, c. 74, s. 95 (3-5). ^{Hypothecation not to prevent subsequent sale of debentures}

Signature
of chairman,
etc., may be
mechanically
reproduced

(6) The signature of the chairman or any person authorized to sign loan agreements may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on loan agreements made under this section and, if such loan agreement is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced. 1977, c. 34, s. 41 (2).

Principal
and interest
payments

114.—(1) Subject to subsection (2), a money by-law for the issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest.

Sinking fund
debentures

(2) A money by-law for the issuing of debentures may provide that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case debentures issued under the by-law shall be known as sinking fund debentures.

When
debentures
to be payable

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve.

Special
levy against
area munici-
palities

(4) The by-law may provide for raising in each year, by special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each area municipality shall pay to the Regional Corporation such sums at the times and in the amounts specified in the by-law.

General
levy

(5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law.

Levy by
area munici-
palities

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection (4) may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of

debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection (4).

(7) Notwithstanding subsection (5), the Regional Council may by by-law,

Instalment
debentures
and
debentures
to refund
existing
debentures
at maturity

(a) authorize the borrowing of money by the issue of instalment debentures, the last instalment of which shall mature not earlier than ten years after the date upon which they are issued, and a specified sum of principal payable thereunder in the final year shall be raised by the issue of refunding debentures as provided in clause (b), and it shall not be necessary to raise by special rate in the year of maturity of the debentures to be refunded an amount equal to the specified principal amount of the debentures which are being refunded; and

(b) authorize the issue of debentures to refund at maturity outstanding debentures of the municipality, provided that the refunding debentures shall be payable within the maximum period of years that was approved by the order of the Municipal Board for the repayment of debentures issued for the debt for which the outstanding debentures were issued, commencing on the date of the debentures originally issued for such debt,

and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a special levy or levies against such area municipality or municipalities as may be specified in the by-law and such levy shall be levied against the same area municipality or municipalities in each case.

(8) Any special levy against an area municipality imposed by the by-law under the authority of subsection (7) may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection (7), and any levy imposed by a by-law under clause (7) (b) shall be levied by the area municipality against the same persons or property as the levy imposed by the related by-law under clause (7) (a) was levied.

Levy

(9) All levies imposed by the by-law against an area municipality are a debt of the area municipality to the Regional Corporation.

Levies
a debt

By-law to
change
mode of
issuing
debentures

(10) The Regional Council may by by-law authorize a change in the mode of issue of the debentures and may provide that the debentures be issued with coupons instead of in amounts of combined principal and interest or *vice versa*, and where any debentures issued under the by-law have been sold, pledged or hypothecated by the Regional Council upon again acquiring them or at the request of any holder of them, may cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year. 1973, c. 74, s. 96 (1-10).

Debentures,
when to be
dated and
issued

(11) All the debentures shall be issued within two years after the passing of the by-laws unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the Regional Council it would not be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law. 1973, c. 74, s. 96 (11); 1976, c. 43, s. 89 (1).

Date of
debentures

(12) All the debentures shall bear the same date, except where they are issued in sets, in which case every debenture of the same set shall bear the same date.

Idem

(13) Notwithstanding the provisions of the by-law, the debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection (11) and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.

Extension
of time
for issue

(14) The Municipal Board, on the application of the Regional Council, the council of any area municipality or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

Application
after time
expired

(15) The extension may be made although the application is not made until after the expiration of the two years or of the time provided for the issue of the set.

(16) Unless the by-law names a later day when it is to take effect, it takes effect on the day of its passing.

Effective
date

(17) Notwithstanding any general or special Act, the Regional Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor.

Consolida-
tion

(18) Section 145 of the *Municipal Act* applies with necessary modifications to the Regional Corporation.

Consolidat-
ing deben-
ture by-laws
R.S.O. 1980,
c. 302

(19) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the Regional Corporation on any date prior to maturity, subject to the following provisions:

Redemption
before
maturity

1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and the amount at which such debenture may be so redeemed.
2. The principal of every debenture that is so redeemable becomes due and payable on the date set for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of principal thereof, the interest to the date set for redemption and any premium payable on redemption.
3. Notice of intention so to redeem shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.
4. At least thirty days prior to the date set for such redemption notice of intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the Regional Area and in such other manner as the by-law may provide.
5. Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debentures issued under the

by-law shall be called for such redemption in priority to any debentures that have a later maturity date.

6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council in respect of the debenture so redeemed.

Currency

(20) The by-law may provide that the debentures to be issued thereunder shall be expressed and be payable,

- (a) in lawful money of Canada and payable in Canada; or
- (b) in lawful money of the United States of America and payable in the United States of America; or
- (c) in lawful money of Great Britain and payable in Great Britain; or
- (d) subject to the prior approval of the Lieutenant Governor in Council, in a currency other than that of Canada, the United States of America or Great Britain.

Annual
rates

(21) Where under the provisions of the by-law debentures issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, or in any currency other than that of Canada, the Regional Council may in such by-law or in any amending by-law in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in such year, provide that there shall be raised such yearly amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary.

Principal
levies

(22) When sinking fund debentures are issued, the amount of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding 5 per cent per annum, capitalized yearly, will be sufficient to pay

the principal of the debentures or any set of them, when and as it becomes due.

(23) When sinking fund debentures are issued, the sinking fund committee shall keep one or more consolidated bank accounts in which, Consolidated
bank
accounts

(a) the treasurer of the Regional Corporation shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and

(b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments.

(24) When sinking fund debentures are issued, there shall be a sinking fund committee that shall be composed of the treasurer of the Regional Corporation and two members appointed by the Regional Council, and the two appointed members may be paid, out of the current fund of the Regional Corporation, such annual remuneration as the Regional Council determines. 1973, c. 74, s. 96 (12-24). Sinking
fund
committee

(25) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member and any such alternate member may be paid, out of the current fund of the Regional Corporation, such remuneration as the Regional Council determines. 1976, c. 70, s. 46. Alternate
members

(26) The treasurer of the Regional Corporation shall be the chairman and the treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer. Chairman

(27) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, in such amount as the auditor of the Regional Corporation shall determine, and in other respects the provisions of section 94 of the *Municipal Act* apply with respect to such security. Security

R.S.O. 1980,
c. 302

(28) Two members of the sinking fund committee are a quorum, and all investments and disposals of investments must Quorum

be approved by a majority of all the members of the committee.

Control of
sinking
fund assets

(29) All assets of the sinking funds, including all consolidated bank accounts, shall be under the sole control and management of the sinking fund committee.

Withdrawals
from bank
accounts

(30) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all cheques on the consolidated bank accounts shall be signed by the chairman or acting chairman and one other member of the sinking fund committee.

Investments

(31) The sinking fund committee shall invest any moneys on deposit from time to time in the consolidated bank accounts and may at any time or times vary any investments. 1973, c. 74, s. 96 (26-31).

Idem

(32) The moneys in the consolidated bank accounts shall be invested in one or more of the following forms,

R.S.O. 1980,
c. 512

(a) in securities in which a trustee may invest under the *Trustee Act*;

(b) in debentures of the Regional Corporation;

(c) in temporary advances to the Regional Corporation pending the issue and sale of any debentures of the Regional Corporation;

(d) in temporary loans to the Regional Corporation for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made;

(e) in securities issued or unconditionally guaranteed as to principal and interest by the United States of America;

(f) in such other securities as are authorized by the Lieutenant Governor in Council. 1973, c. 74, s. 96 (32); 1976, c. 43, s. 89 (2).

Deposit of
securities
with
Treasurer
of Ontario

(33) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be deposited with the Treasurer of Ontario.

(34) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under subsection (33) only upon the direction in writing of the sinking fund committee.

Release of
securities
by Treasurer
of Ontario

(35) All sinking fund debentures issued on the same date, payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws, shall be deemed one debt and be represented by one sinking fund account.

Sinking
fund
accounts

(36) That portion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments obtained by,

Earnings
credited
to sinking
fund
accounts

(a) multiplying the amount of all such earnings by the amount of the capitalized interest for that year under subsection (22) with respect to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account; and

(b) dividing the product obtained under clause (a) by the amount of all capitalized interest for that year under subsection (22) with respect to all principal raised up to and including such year for all outstanding sinking fund debentures,

shall be credited to the sinking fund account mentioned in clause (a).

(37) The treasurer of the Regional Corporation shall prepare and lay before the Regional Council in each year, before the annual regional levies are made, a statement showing the sums that the Regional Council will be required, by by-law, to raise for sinking funds in that year.

Sinking
fund require-
ments

(38) If the treasurer of the Regional Corporation contravenes subsection (23) or (37), he is guilty of an offence and on conviction is liable to a fine of not more than \$250.

Offence

(39) If the Regional Council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the Regional Council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount.

Failure
to levy

(40) Notwithstanding this or any other Act or by-law if it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the

Where
amount in
sinking fund
account
more than
sufficient
to pay debt

estimated earnings to be credited thereto under subsection (36) together with the levy required to be made by the by-law or by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of the debt represented by such sinking fund account when it matures, the Municipal Board, on the application of the sinking fund committee, the Regional Council or the council of an area municipality, may authorize the Regional Council or the council of an area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board.

No
diversion
of sinking
funds

(41) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the Regional Corporation or otherwise than is provided in this section.

Surplus

(42) When there is a surplus in a sinking fund account, the sinking fund committee shall,

- (a) use the surplus to increase the amount at the credit of another sinking fund account; or
- (b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes,
 - (i) to retire unmatured debentures of the Regional Corporation or of an area municipality,
 - (ii) to reduce the next annual levy on account of principal and interest payable with respect to debentures of the Regional Corporation or of an area municipality,
 - (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause (a) or (b) for the purposes of the Regional Corporation or an area municipality in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

Deficit and
surplus

(43) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities, any deficit in the sinking fund account shall be

provided by the Regional Corporation out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection (42).

(44) A money by-law may authorize the issue of debentures Term debentures of which a portion shall be payable on a fixed date with interest payable annually or semi-annually, in which case such debentures shall be known as term debentures.

(45) In respect of the term debentures, the by-law shall Amounts to be raised annually provide for raising,

- (a) in each year of the currency of the term debentures a sum sufficient to pay the interest on the term debentures; and
- (b) in each year of the currency of the term debentures in which no other debentures issued under the same by-law become due and payable, a specific amount to form a retirement fund for the term debentures which, with interest at a rate not to exceed 5 per cent per annum compounded yearly, will be sufficient to pay the principal of the term debentures at maturity. 1973, c. 74, s. 96 (33-45).

(46) The retirement fund for the term debentures shall be Retirement fund administered by the sinking fund committee in all respects in the same manner as a sinking fund established under this section, and the provisions of subsections (23) to (43) of this section with respect to a sinking fund shall apply with necessary modifications to such retirement fund. 1973, c. 74, s. 96 (46); 1976, c. 43, s. 89 (3).

(47) Notwithstanding the provisions of any general or All debentures rank equally special Act or any differences in date of issue or maturity, every debenture issued shall rank concurrently and *pari passu* in respect of payment of principal and interest thereon with all other debentures of the Regional Corporation except as to the availability of any sinking funds applicable to any particular issue of debentures. 1976, c. 43, s. 89 (4).

115. Notwithstanding any other provision of this Act, Debentures payable on a fixed date subject to the annual redemption by lot of a specified principal amount

- (a) a money by-law of the Regional Council may provide that all or a portion of the debentures to be issued thereunder shall be payable on a fixed date, subject to the obligation of the Regional Corporation to redeem by lot annually on each anniversary of the date of such debentures a

specified principal amount of such debentures upon payment by the Regional Corporation of such principal amount plus accrued interest to the date of redemption and upon giving notice as provided in this section;

interest
ceases to
accrue on
date set for
redemption

- (b) the principal amount of every debenture that is called for redemption shall become due and payable on the date set for the redemption thereof and, after such date, interest ceases to accrue thereon where provision is duly made by the Regional Corporation for the payment of the principal amount thereof;

debentures
to be
redeemed
may be
purchased

- (c) the debentures to be redeemed on each anniversary of the date of such debentures shall be selected by lot by the treasurer of the Regional Corporation at a public meeting of the Regional Council and when redeemed shall be cancelled and shall not be reissued, provided always that the principal amount of the debentures to be redeemed in any year may be reduced by the principal amount of any debentures purchased by the Regional Corporation, at a price or prices not exceeding the principal amount thereof, and surrendered for cancellation on the date fixed for redemption;

notice to
redeem to
be sent by
mail

- (d) notice of intention to redeem any debenture shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person, if any, in whose name the debenture may be registered at the address shown in the Debenture Registry Book;

notice to
redeem to
be published

- (e) notice of intention to redeem any debenture shall be published at least thirty days prior to the date set for such redemption in such manner as the by-law may provide;

where only
portion of
debentures
payable on
fixed date

- (f) where only a portion of the debentures issued under a by-law is payable on a fixed date, the obligation of the Regional Corporation to redeem by lot annually a specified principal amount of such debentures does not apply in any year in which an instalment of principal of the remaining debentures issued under such by-law becomes due and payable; and

annual
amounts
payable to
be approxi-
mately equal

- (g) the aggregate amounts of principal and interest, or the amounts of principal payable in each year during the currency of debentures issued under this section shall be approximately equal. 1976, c. 43, s. 90.

116.—(1) Subsection 152 (1) of the *Municipal Act* applies with necessary modifications to the Regional Council. 1976, c. 70, s. 47. Application of R.S.O. 1980, c. 302, s. 152 (1)

(2) For the purposes of this section, the hypothecation of debentures under section 113 shall not constitute a sale or other disposal thereof. Hypothecation not a sale under this section

(3) The Regional Council may by one by-law authorized under subsection (1) amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder. Consolidation of debentures

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments or principal and interest payable by it to the Regional Council. 1973, c. 74, s. 97 (2-4). Special assessment and levies

117.—(1) Where part only of a sum of money provided for by a by-law has been raised, the Regional Council may repeal the by-law as to any part of the residue, and as a proportionate part of the amounts to be raised annually. Repeal of by-law when part only of money to be raised

(2) The repealing by-law shall recite the facts on which it is founded, shall provide that it shall take effect on the 31st day of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board. 1973, c. 74, s. 98. When to take effect

118.—(1) Subject to section 117, after a debt has been contracted under a by-law, the Regional Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not alter any such by-law so as to diminish the amount to be raised annually, and shall not apply to any other purpose any money of the Regional Corporation that has been directed to be applied to such payment. Until debt paid certain by-laws cannot be repealed

(2) When the Regional Corporation, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply any of the moneys so paid for any purpose other Application of payments

than the payment of the amounts of principal and interest so becoming due. 1973, c. 74, s. 99.

Offence for neglect of officer to carry out by-law

119. Any officer of the Regional Corporation whose duty it is to carry into effect any of the provisions of a money by-law of the Regional Corporation, who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on conviction is liable to a fine of not more than \$100. 1973, c. 74, s. 100.

Money by-laws may be registered

120.—(1) Within four weeks after the passing of a money by-law, the clerk may register a duplicate original or a copy of it, certified under his hand and the seal of the Regional Corporation, in the appropriate land registry office.

Application to quash registered by-law, when to be made
R.S.O. 1980,
cc. 347, 126,
250

(2) Subject to section 61 of the *Ontario Municipal Board Act*, every by-law registered in accordance with subsection (1), or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under the *Drainage Act*, or the *Local Improvement Act*, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought, is registered in such registry office within such period of three months or one month, as the case may be.

Time when by-law to be valid and binding

(3) After the expiration of the period prescribed by subsection (2), if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms.

Quashing part of by-law

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection (2), but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, is after the expiration of that period, valid and binding according to its terms.

Dismissal of application

(5) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered, and after such dismissal and the expiration of the period prescribed by subsection (2), if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms.

(6) Nothing in this section makes valid a by-law passed without the assent of the electors of an area municipality as required by subsection 112 (1) or a by-law where it appears on the face of it that any of the provisions of subsection 114 (5) have not been substantially complied with. Illegal by-laws not validated

(7) Failure to register a by-law as prescribed by this section does not invalidate it. 1973, c. 74, s. 101. Failure to register

121.—(1) A debenture or other like instrument shall be sealed with the seal of the Regional Corporation, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection (3), shall be signed by the chairman, or by some other person authorized by by-law of the Regional Corporation to sign it, and by the treasurer. Debentures, how sealed and executed

(2) A debenture may have attached to it interest coupons that shall be signed by the treasurer and his signature may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the treasurer on the date the Regional Council authorized the execution of the debenture or on the date the debenture bears or at the time the debenture was issued and delivered. Interest coupons

(3) The signature of the chairman, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and if the debenture or other like instruments are countersigned in writing by a person authorized by by-law of the Regional Corporation to countersign, the signature of the treasurer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon. Mechanical reproduction of signatures

(4) The seal of the Regional Corporation when so engraved, lithographed, printed or otherwise mechanically reproduced has the same force and effect as if manually affixed and the signature of the chairman or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the treasurer when so engraved, lithographed, printed or otherwise mechanically reproduced shall be deemed the signature of the chairman or other person so authorized to sign or of the treasurer, as the case may be, and is binding upon the Regional Corporation. Effect of mechanical reproduction

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signature of the persons Sufficiency of signatures

provided in this section if such persons had authority to sign and countersign as provided in this section either on the date the Regional Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered. 1973, c. 74, s. 102.

Debentures on which payment has been made for one year to be valid

122. Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the Regional Corporation, the by-law and the debentures issued under it are valid and binding upon the Regional Corporation. 1973, c. 74, s. 103.

Mode of transfer may be prescribed

123.—(1) Where a debenture contains or has endorsed upon it provision to the following effect:

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the treasurer of this Corporation (or by such other person authorized by by-law of this Corporation to endorse such certificate of ownership), transferable except by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the

.....

.....

of.....

the treasurer (or such other persons so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book to be called the Debenture Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.

Requirements as to endorsing certificate of ownership

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the treasurer.

Transfer by entry in Debenture Registry Book

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in subsection (1), is transferable only by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his

or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors.

(4) A debenture may be registered as to both principal and interest, in which case the interest thereon shall be paid by cheque and the debenture may be referred to as a fully registered debenture. 1973, c. 74, s. 104.

Registration
of
debenture
as to
principal
and interest

(5) Where debentures are payable in a currency other than that of Canada, the Regional Council may provide that the Debenture Registry Book of the Regional Corporation in respect of such debentures be maintained outside Canada by a corporation or person other than the treasurer and may make such other provisions for the registration and transfer of such debentures as the Regional Council considers appropriate. 1976, c. 43, s. 91.

When
Debenture
Registry
Book may be
maintained
outside
Canada

124. Where a debenture is defaced, lost or destroyed, the Regional Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide. 1973, c. 74, s. 105.

Replacement
of lost
debentures

125.—(1) On request of the holder of any debenture issued by the Regional Corporation, the treasurer of the Regional Corporation may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount.

Exchange of
debentures

(2) On the request of the sinking fund committee, the treasurer of the Regional Corporation may, as provided in this section, exchange debentures heretofore or hereafter issued by the Regional Corporation.

On request
of sinking
fund
committee

(3) Any new debenture mentioned in subsection (1) may be registered as to principal and interest but in all other respect shall be of the same force and effect as the debenture or debentures surrendered for exchange.

New
debenture
of same
force and
effect as
debenture
surrendered

(4) The treasurer and auditor of the Regional Corporation shall cancel and destroy all debentures surrendered for exchange and shall certify in the Debenture Registry Book that they have been cancelled and destroyed and shall also enter in the Debenture Registry Book particulars of any new debenture issued in exchange. 1973, c. 74, s. 106.

Debentures
surrendered
for exchange
to be
cancelled

126.—(1) The moneys received by the Regional Corporation from the sale or hypothecation of any debentures to the

Application
of proceeds of
debentures

extent that such moneys are required for the purposes for which the debentures were issued, and for the repayment of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes.

Idem

(2) None of the moneys received by the Regional Corporation from the sale or hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the Regional Corporation or an area municipality.

Surplus

(3) Where on the sale of any debenture an amount is realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied,

- (a) if any such debentures are redeemable prior to maturity at the option of the Regional Corporation to redeem one or more of the debentures having the latest maturity date; or
- (b) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or
- (c) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

Deficiency

(4) Where on the sale of any debentures a deficiency in the amount required for the purpose or purposes for which the debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes. 1973, c. 74, s. 107.

Use of
proceeds of
sale of asset
acquired
from
proceeds of
sale of
debentures

127. Where real or personal property acquired out of moneys received by the Regional Corporation from the sale of hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied

as an excess in accordance with subsection 126 (3) or, with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the property disposed of or sold. 1973, c. 74, s. 108.

128. When the Regional Corporation intends to borrow money on debentures under this or any other Act, the Regional Council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par. 1973, c. 74, s. 109.

Tenders for
debentures

129.—(1) The Regional Council shall,

Accounts,
how to be
kept

- (a) keep a separate account of every debenture debt ;
- (b) where the whole of a debenture debt is not payable in the current year, keep in respect thereof,
 - (i) an additional account for the interest, if any, and
 - (ii) an additional account for the sinking fund or the instalments of principal,

distinguished from all other accounts by a prefix designating the purpose for which the debenture debt was contracted ; and

- (c) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

(2) The Regional Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt. 1973, c. 74, s. 110.

Consolidated
interest
account

130. If, in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of principal. 1973, c. 74, s. 111.

Application
of surplus
money

Liability
of members

131.—(1) If the Regional Council applies any money raised for a special purpose or collected for a sinking fund in payment of current or other expenditure, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Action by
ratepayer

(2) If the Regional Council, upon the request in writing of a ratepayer of any area municipality, refuses or neglects for one month to bring an action therefor, the action may be brought by any such ratepayer on behalf of himself and all other rate-payers in the Regional Area.

Disquali-
fication

(3) The members who vote for such application are disqualified from holding any municipal office for two years. 1973, c. 74, s. 112.

Refinancing
of
debentures

132. When, by or under the authority of this Act, the Regional Corporation is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the Regional Corporation may, with the approval of the Municipal Board,

- (a) cancel all such debentures that have not been sold and issue new debentures of the Regional Corporation in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board, for the purposes for which such debentures were issued;
- (b) arrange with the area municipality for the redemption of all such debentures as are redeemable and issue new debentures of the Regional Corporation to raise the moneys required for such redemption; and
- (c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the Regional Corporation to raise the money required to complete such purchase. 1973, c. 74, s. 113.

PART XII

GENERAL

Application of
R.S.O. 1980,
c. 302

133.—(1) Sections 5, 84, 85, 90, 92, 93, 94 and 96, subsections 98 (1), (4) and (5), sections 99, 100, 105, 106, 109, 113, 116, 117 and

121, subsection 165 (3), sections 190 and 205, paragraphs 3, 10, 11, 12, 23, 24, 30, 45, 46, 47, 48, 49, 50 and 54 of section 208, subparagraph iii of paragraph 62 and subparagraph ii of paragraph 125 of section 210, paragraph 10 of section 315 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation. 1979, c. 81, s. 111 (1).

(2) Where the Regional Council passes a by-law under subsection 219 (1) of the *Municipal Act*, the council of any area municipality may exercise the powers contained in subsections (6), (7) and (8) of that section, as if the by-law passed by the Regional Council had been passed by the council of such area municipality. 1974, c. 117, s. 47 (2).

Loans re
sewer and
water
connections

(3) Sections 10 and 11 and, subject to subsection 2 (4), subsection 14 (2) of the *Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, within the Regional Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature. 1973, c. 74, s. 115 (2, 3).

Erections,
annexations
and amal-
gamations

(4) The Regional Corporation shall be considered to be a local municipality for the purposes of paragraph 129 of section 210 and section 253 of the *Municipal Act*. 1973, c. 74, s. 115 (4); 1976, c. 84, s. 2 (1).

Refuse
disposal,
entertain-
ment
expenses,
etc.

(5) Notwithstanding any other provision of this Act, the Regional Council may pass a by-law authorizing the head of the department concerned to grant the approval required by subsection 32 (2) and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted. 1973, c. 74, s. 115 (5).

Delegation
of approval

(6) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 13 of the *Mortmain and Charitable Uses Act*. 1977, c. 34, s. 42 (2).

Application of
R.S.O. 1980,
c. 297, s. 13

(7) The Regional Corporation shall be deemed to be, and to have always been, a municipality for the purposes of section 311 of the *Municipal Act*. 1979, c. 81, s. 111 (2).

Deemed
municipality
for purposes of
R.S.O. 1980,
c. 302, s. 311

(8) Every by-law of a local municipality as it exists on the 31st day of December, 1973, shall remain in force in the area of the former local municipality on and after the 1st day of January, 1974, and may be amended or repealed by the council of an area municipality as it affects such area municipality. 1973, c. 74, s. 115 (7).

By-laws

Idem

(9) Where any local municipality has passed a by-law that, prior to its coming into force, requires the approval of any minister of the Crown, any provincial ministry, the Municipal Board or any provincial body or agency, and such approval has not been obtained prior to the 31st day of December, 1973, the council of the successor area municipality to such local municipality shall be entitled to initiate or continue the procedure required to obtain such approval to the by-law passed by the local municipality in so far as it pertains to such area municipality, and the provisions of subsection (8) apply with necessary modifications to any such by-law. 1974, c. 5, s. 5.

By-laws re
hours of
closing of
retail stores,
etc.
R.S.O. 1980,
c. 302

134.—(1) Section 211 of the *Municipal Act* applies with necessary modifications to the Regional Corporation, except that no by-law shall be passed by the Regional Council under this section with respect to retail gasoline service stations.

Area
municipalities

(2) No area municipality shall exercise any powers under section 211 of the *Municipal Act* except with respect to retail gasoline service stations.

By-laws
continued

(3) Every by-law passed by the council of an area municipality under section 211 of the *Municipal Act* in effect on the 23rd day of October, 1979 continues to apply until a by-law passed by the Regional Council applies thereto. 1979, c. 95, s. 1.

Emergency
measures,
civil defence

135.—(1) The Regional Council shall pass by-laws under subclauses 209 (b) (ii) and (iii) of the *Municipal Act*, and no area municipality shall pass any such by-laws.

Powers of
Regional
Council re
emergency
measures

(2) When a by-law passed under subsection (1) is in force, the Regional Council may pass by-laws,

- (a) with the consent of the area municipality or local board concerned, for appointing heads of departments and alternates to be members of or advisers to the emergency measures planning committee or any subcommittee thereof;
- (b) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their emergency functions;
- (c) for appointing members of the emergency measures planning committee or of any subcommittee thereof

to be in charge of such departments or utilities throughout the Regional Area, as the by-law may provide, when an emergency has been proclaimed under the *War Measures Act* (Canada);

R.S.C. 1970,
c. W-2

- (d) for acquiring alternative headquarters for the Regional Government outside the Regional Area;
- (e) for obtaining and distributing emergency materials, equipment and supplies; and
- (f) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack. 1973, c. 74, s. 116 (1, 2).

136.—(1) The Regional Corporation may make expenditures for the purpose of diffusing information respecting the advantages of the regional municipality as an industrial, business, educational, residential or vacation centre. 1973, c. 74, s. 117 (1); 1976, c. 43, s. 93.

Expenditures
for diffusing
information

(2) Paragraph 50 of section 210 and paragraph 22 of section 208 of the *Municipal Act* apply with necessary modifications to the Regional Corporation, and no area municipality shall exercise any such powers save and except in respect of those lands acquired or held by a local municipality on or before the 31st day of December, 1973. 1973, c. 74, s. 117 (2).

Application of
R.S.O. 1980,
c. 302

(3) In the event that any employee is required to remain on the staff of any area municipality to complete the function referred to in subsection (2), the provisions of section 24 apply with necessary modifications to such employee on the date he is transferred to the Regional Corporation. 1973, c. 163, s. 8.

Application
of s. 24

137. Where, in an action or by the settlement of a claim arising out of any injury to an employee including a member of the Hamilton-Wentworth Regional Police Force, or to any person considered an employee for the purposes of the *Workmen's Compensation Act*, the Regional Corporation recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the Regional Corporation may impose. 1973, c. 74, s. 119.

Payment of
damages
to employees

R.S.O. 1980,
c. 539

138.—(1) Where the Regional Council passes a resolution requesting a judge of the county court within the Regional

Investiga-
tion by
county judge
of charges of
malfeasance

Area or a judge of the county court of a county or judicial district adjoining the Regional Area, to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the Regional Council, or an officer or employee of the Regional Corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the Regional Corporation, or to inquire into or concerning any matter connected with the good government of the Regional Corporation or the conduct of any part of its public business, including any business conducted by a local board of the Regional Corporation, the judge shall make the inquiry and for that purpose has all the powers of a commission under Part II of the *Public Inquiries Act* and he shall, with all convenient speed, report to the Regional Council the result of the inquiry and the evidence taken.

R.S.O. 1980,
c. 411

Fees payable
to judge

(2) The judge shall be paid by the Regional Corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under the *Judicature Act*.

R.S.O. 1980,
c. 223

Engaging
counsel

(3) The Regional Council may engage and pay counsel to represent the Regional Corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the Regional Corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel.

Idem

(4) The judge may engage counsel and such other assistants and staff and incur such incidental expenses as he considers advisable for the proper conduct of the investigation or inquiry, and the Regional Corporation shall pay the costs thereof. 1973, c. 74, s. 120.

Commission
of inquiry

139.—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into any of the affairs of the Regional Corporation or a local board thereof, and any matter connected therewith, and the commission has all the powers that may be conferred on a commission under Part II of the *Public Inquiries Act*.

When
commission
may issue

(2) A commission may be recommended at the instance of the Ministry or upon the request in writing of not less than one-third of the members of the Regional Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein.

(3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and are subject to such division between the Regional Corporation and the Province as the Lieutenant Governor in Council may direct. 1973, c. 74, s. 121.

Expenses of
commission

140. The Regional Corporation for its purposes may enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor, but all such highways, including any sidewalks thereon, lanes and other public communications shall be restored to their original condition without unnecessary delay. 1973, c. 74, s. 122.

Entry on
highways,
etc.

141. The Regional Corporation and any area municipality may enter into agreements for the use within any part of the Regional Area of the services of their respective officers, employees and equipment on any such terms and conditions as the councils deem necessary. 1973, c. 74, s. 123.

Agreements
re services

142.—(1) For the purposes of paragraph 9 of section 3 and section 26 of the *Assessment Act*, the Regional Corporation shall be deemed to be a municipality.

Application of
R.S.O. 1980,
c. 31

(2) For the purposes of paragraph 9 of section 3 of the *Assessment Act*, where property belonging to the Regional Corporation is occupied by an area municipality or where property belonging to an area municipality is occupied by the Regional Corporation or another area municipality, the occupant shall not be considered to be a tenant or lessee, whether rent is paid for such occupation or not.

Regional
Corporation
and area
municipalities
deemed not
tenants

(3) In subsection (2), "Regional Corporation" and "area municipality" include a local board thereof. 1973, c. 74, s. 124.

Interpre-
tation

143.—(1) An execution against the Regional Corporation may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following:

Execution
against
Regional
Corporation

1. The sheriff shall deliver a copy of the writ and endorsement to the treasurer of the Regional Corporation, or leave such copy at the office or dwelling place of the treasurer, with a statement in writing

- of the sheriff's fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.
2. If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the Regional Council for general purposes are apportioned among the area municipalities, determine the portion of the amount mentioned in the statement that shall be levied against and in each area municipality.
 3. The sheriff shall then in like manner as rates struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the execution, and in determining such amount he may make such addition to the same as the sheriff considers sufficient to cover its share of the interest up to the time when the rate will probably be available and his own fees and poundage.
 4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality and shall annex to the precept the roll of such rate and shall by the precept, after reciting the writ and that the Regional Corporation has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect to the general annual rates.
 5. If, at the time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he shall add a column thereto, headed "Execution in A.B. vs. The Regional Municipality of Hamilton-Wentworth" (adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.

6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same to the treasurer of the area municipality.

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect, or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be considered to be officers of the court out of which the writ issued, and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them. 1973, c. 74, s. 125.

Function
of clerk,
collector
and assessor

144.—(1) The Corporation of the County of Wentworth is dissolved on the 1st day of January, 1974, and the Regional Corporation shall stand in the place and stead of the County of Wentworth.

County
dissolved

(2) All the assets and liabilities of the County of Wentworth become, on the 1st day of January, 1974, the assets and liabilities of the Regional Corporation, and all documents and records kept by the clerk or treasurer or any other officer of the County of Wentworth shall be transferred to the clerk.

Assets and
liabilities,
etc.

(3) The Hamilton-Wentworth Suburban Roads Commission is dissolved on the 1st day of January, 1974, and all the assets and liabilities thereof become on that date the assets and liabilities of the Regional Corporation and all records and documents of the said roads commission shall be transferred to the clerk. 1973, c. 74, s. 126.

Hamilton-
Wentworth
Suburban
Roads
Commission
dissolved

145.—(1) Except as provided in this Act, the Municipal Board, upon the application of any area municipality or the Regional Corporation, may exercise any of the powers under clauses 14 (11) (a), (b) and (d) of the *Municipal Act* in relation to the dissolution of the County of Wentworth.

Powers of
Municipal
Board

R.S.O. 1980,
c. 302

(2) In the event of any doubt as to whether any particular asset or liability is vested in the Regional Corporation under this Act, the Municipal Board upon application has power to determine the matter as sole arbitrator and sections 94 and 95 of the *Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such power.

Settling
of doubts

R.S.O. 1980,
c. 347

(3) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of any asset assumed by or vested in the Regional Corporation under

Idem

this Act, the Municipal Board may upon application determine the matter and its decision is final. 1973, c. 74, s. 127.

Conditional
powers

146. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are considered necessary or advisable to carry out effectively the purposes of this Act. 1973, c. 74, s. 128.

Conflict
with other
Act

147.—(1) The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails.

Special
legislation

(2) The provisions of any special Act relating to the County of Wentworth or a local municipality or local board thereof within the Regional Area, in so far as the provisions of such special Act are not in conflict with the provisions of this Act, continue in force, and the powers conferred by any such special Act may be exercised by the Regional Corporation or a local board thereof or by the corporation of the appropriate area municipality or a local board thereof according to whether the powers conferred by such special Act relate to a function assigned under this Act to the Regional Corporation or a local board thereof or to the area municipalities or local boards thereof. 1973, c. 74, s. 129.

Municipal
buildings

148.—(1) The Regional Corporation or an area municipality or the Regional Corporation and one or more area municipalities,

(a) may acquire land for the purpose of constructing municipal buildings; and

(b) may construct municipal buildings for the use of the Regional Corporation or the Regional Corporation and one or more area municipalities or any local board thereof.

Application of
R.S.O. 1980,
c. 302

(2) Section 125 of the *Municipal Act* applies with necessary modifications to any joint undertaking under this section. 1973, c. 74, s. 130.

Interpre-
tation

149.—(1) In this section, “waste” includes ashes, garbage, refuse, domestic waste, industrial solid waste or municipal refuse, and such other waste as may be designated by by-law of the Regional Council.

Receiving
and disposing
of waste by
Regional
Corporation

(2) On and after the 1st day of January, 1974, the Regional Corporation shall provide facilities for the purpose of receiving,

dumping and disposing of waste, and no area municipality shall provide such facilities. 1973, c. 74, s. 131 (1, 2).

(3) For the purposes of subsection (2), the Regional Corporation may acquire and use land within the Regional Area and may erect, maintain and operate all facilities including buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person including Her Majesty in right of Ontario, for such purposes, and may prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon such land, and may prescribe rates or charges for the use of such property, which rates or charges may relate to the volume, weight, or class of waste, or otherwise as the Regional Council considers appropriate in the circumstances, and all such existing facilities and lands of a local municipality to the extent they are used for such purposes vest in the Regional Corporation on the 1st day of January, 1974, without compensation. 1973, c. 74, s. 131 (3); 1974, c. 117, s. 49.

Waste
disposal
sites

(4) The Regional Corporation shall pay to the corporation of any area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection (3). 1973, c. 74, s. 131 (4).

Payments of
principal and
interest to
area muni-
cipalities

(5) If the Regional Corporation fails on or before the due date to make any payment required by subsection (4), the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 112.

Default

(6) In the event of any doubt as to whether any outstanding debt or portion thereof was incurred in respect of any property vested in the Regional Corporation under this section, the Municipal Board may determine the matter and such determination is final and binding.

O.M.B. to
arbitrate

(7) For the purposes of subsection (3), paragraph 84 of section 210 of the *Municipal Act* applies with necessary modifications. 1973, c. 74, s. 131 (6, 7).

Application of
R.S.O. 1980,
c. 302, s. 210,
par. 84

150. Where any agreement has been entered into by a local municipality, providing the terms thereof are not inconsistent with the provisions of this Act, the Regional Corporation or the appropriate area municipality shall on and after the 1st day of January, 1974, be deemed to stand

Agreement,
successor
rights

in the place and stead of such local municipality in so far as the agreement pertains to the functions of the Regional Corporation or area municipality. 1973, c. 74, s. 132.

Regional
Fire
Co-ordinator

151. The Regional Corporation shall appoint a Regional Fire Co-ordinator who shall be responsible for the establishment of an emergency fire service plan and program for the Regional Area, and the Regional Corporation is authorized to expend such sums as it considers necessary to implement such plan and program. 1973, c. 74, s. 133.

Existing
speed
limits
continued
R.S.O. 1980,
c. 198

152.—(1) Notwithstanding the other provisions of this Act but subject to subsections (2) and (3), for the purposes of section 109 of the *Highway Traffic Act* the area in the Regional Area that, on the 31st day of December, 1973, formed part of a town, village or township municipality shall be considered to continue to form part of a town, village or township municipality except the area municipality of the Town of Ancaster which shall be a town for the purpose of the said section 109. 1973, c. 74, s. 134 (1); 1973, c. 163, s. 9.

By-laws of
Regional
Council and
area councils

(2) Notwithstanding subsection (1), the Regional Council and the council of each area municipality may exercise any of its powers under section 109 of the *Highway Traffic Act* in respect of highways under its jurisdiction and control.

Existing
speed limits
continued

(3) Every by-law passed by the council of a municipality under any provision of section 109 of the *Highway Traffic Act* that applied, on the 31st day of December, 1973, to any highway or portion thereof within the Regional Area shall continue to apply thereto until a by-law passed by the Regional Council or the council of an area municipality under such section 109 applies thereto. 1973, c. 74, s. 134 (2, 3).

Application of
R.S.O. 1980,
c. 384

153.—(1) On and after the 1st day of January, 1974, no area municipality shall be required to comply with section 107 of the *Power Corporation Act*.

Distribution
of electrical
power

(2) Where, on the 31st day of December, 1973, Ontario Hydro or a public utilities commission or a hydro-electric commission was supplying electrical power and energy in any area within the Regional Area, such commission shall continue, until a date to be determined by the Minister, to distribute and sell power within such area and such commission shall be deemed to be a local board of the area municipality in which it has jurisdiction.

Members of
commission
continue
in office

(3) The members of a public utilities commission or a hydro-electric commission referred to in subsection (2) in-

cluding *ex officio* members, who held office on the 22nd day of June, 1973, shall continue to hold office until a date to be determined by the Minister and in addition to such members, the mayor elected for the area municipality in which such a commission operates and of which such commission becomes a local board shall also be a member of such commission.

(4) The Board of Trustees of the Police Village of Lynden as it exists on the 31st day of December, 1973, shall, until such date as the Minister may by order designate, be deemed to be a commission established under Part III of the *Public Utilities Act* for the area of the said police village and be known as the Hydro-Electric Commission of Lynden.

Board of
Trustees
deemed
commission

R.S.O. 1980,
c. 423

(5) All the assets and liabilities of and pertaining to the hydro-electric system of the Police Village of Lynden shall be assumed on the 1st day of January, 1974 by the Hydro-Electric Commission of Lynden and the said Commission shall be deemed to be a local board of the Township of Flam-
borough.

Assets and
liabilities

(6) All public utilities commissions and waterworks commissions within the Regional Area, except those referred to in subsection (2), are dissolved on the 1st day of January, 1974.

Commissions
dissolved

(7) A person who is a member of a commission referred to in this section is not disqualified to be elected a member of the Regional Council or the council of an area municipality or to sit or vote therein by reason of being a member of such commission. 1973, c. 74, s. 135.

Members of
commission
not dis-
qualified as
members of
Council

154.—(1) On the 31st day of December, 1973, all community centre boards and all boards of recreation and park management in a local municipality are dissolved and the assets and liabilities thereof become on the 1st day of January, 1974, the assets and liabilities of the area municipality of which the local municipality forms part or is continued, and in the event the area of jurisdiction of any such board is divided between two or more area municipalities, the committee of arbitrators appointed under section 88 of *The Regional Municipality of Hamilton-Wentworth Act*, 1973 shall make the determination of the disposition of such assets and liabilities in the manner prescribed in that section.

Dissolution
of boards

1973, c. 74

(2) The council of an area municipality shall be deemed to be a recreation committee under the *Ministry of Culture and Recreation Act* and the regulations thereunder and a board of a community recreation centre under the *Community Recreation Centres Act*. 1973, c. 74, s. 136.

Recreation
and parks
management
board

R.S.O. 1980,
cc. 276, 80

Acquiring
land for
parks, etc.

155.—(1) The Regional Council may pass by-laws for acquiring land for and establishing, laying out and improving and maintaining public parks, zoological gardens, recreation areas, squares, avenues, boulevards and drives in the Regional Area and for exercising all or any of the powers that are conferred on boards of park management by the *Public Parks Act*.

R.S.O. 1980,
c. 417

Sale of
spirituous,
etc., liquors
in parks

(2) In addition to the powers that may be exercised under subsection (1), the Regional Council has power to let from year to year, or for any time not exceeding ten years, the right to sell, subject to the *Liquor Licence Act*, and the regulations made thereunder, spirituous, fermented or intoxicating liquors within regional parks under such regulations as the Regional Council may prescribe.

R.S.O. 1980,
c. 244

Application of
R.S.O. 1980,
c. 302

(3) Paragraph 53 of section 208 of the *Municipal Act* applies with necessary modifications to the Regional Corporation.

Regional
Corporation
a municipi-
pality under
R.S.O. 1980,
c. 367

(4) The Regional Corporation shall be deemed to be a municipality for the purposes of the *Parks Assistance Act*.

Public lands
owned by
conservation
authority

(5) Where, under an agreement with any conservation authority, lands vested in the conservation authority are managed and controlled by the Regional Corporation, the Regional Corporation may,

(a) exercise all or any of the powers conferred on it under subsection (1) in respect of such lands;

(b) lay out, construct and maintain roads on such lands and, with the consent of the area municipality in which such lands, or any part thereof, are situate, assume the maintenance of existing roads on such lands, or any part thereof;

R.S.O. 1980,
c. 198

(c) subject to the *Highway Traffic Act*, regulate traffic on such roads and prescribe the rate of speed for motor vehicles driven on such roads in accordance with subsection 109 (3) of the *Highway Traffic Act*.

Payment in
lieu of
taxes

(6) The Regional Council may agree to pay annually to the area municipality in which any land used for the purposes set out in subsection (1) is situate a sum not exceeding the amount that would have been payable to the municipality as taxes if the land were not exempt from taxation. 1973, c. 74, s. 137.

Wentworth
County
Library

156. The Minister may by order do all such things as may be necessary to re-establish the Wentworth County Library. 1973, c. 74, s. 138.

157. On and after the 1st day of January, 1974, the portion of the Regional Municipality of Hamilton-Wentworth that is not in the City of Hamilton is a school division and The Wentworth County Board of Education is continued subject to subsection 54 (6) of the *Education Act*, as the divisional board of education of such school division. 1973, c. 74, s. 139.

School
division
continued

R.S.O. 1980,
c. 129

158. Section 59 of the *Education Act* applies to the election of the members of The Wentworth County Board of Education, section 57 of the *Education Act* applies to the election of the members of The Board of Education for the City of Hamilton and section 113 of the *Education Act* applies to the election of the members of The Wentworth County Roman Catholic Separate School Board. 1973, c. 74, s. 140, *revised*.

Election

159. Notwithstanding the provisions of the *Public Libraries Act*, the Minister may by order provide for the establishment of a public library board in any area municipality and for the transfer of any assets and liabilities of any former public library board to such new board. 1973, c. 74, s. 142.

Public
library
boards

R.S.O. 1980,
c. 414

160. The council of the City of Hamilton may pass any by-law that a board of commissioners of police of a city is authorized to pass under the *Municipal Act*. 1973, c. 74, s. 143.

Power of
cities in
Regional
Area to
pass by-laws
R.S.O. 1980,
c. 302

FORM 1

(Section 8 (4))

OATH OF ALLEGIANCE

I,,
having been elected (*or appointed*) as chairman of the council of The Regional Municipality of Hamilton-Wentworth, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (or the reigning sovereign for the time being).

Sworn before me, etc.

1973, c. 74, Form 1.

FORM 2

(Section 8 (4))

DECLARATION OF QUALIFICATION BY CHAIRMAN

I,,
having been elected (*or appointed*) as chairman of the council of The Regional Municipality of Hamilton-Wentworth declare that:

1. I am a British subject and am not a citizen or a subject of any foreign country.
2. I am of the full age of eighteen years.
3. I am not an officer, employee or servant of any area municipality or local board of any area municipality.
4. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me, etc.

1973, c. 74, Form 2.

CHAPTER 438

Regional Municipality of Niagara Act

INTERPRETATION

1. In this Act,

Interpre-
tation

- (a) “area municipality” means the municipality or corporation of the Town of Lincoln, the Town of Fort Erie, the Town of Grimsby, the City of Niagara Falls, the Town of Niagara-on-the-Lake, the Town of Pelham, the City of Port Colborne, the City of St. Catharines, the City of Thorold, the Township of Wainfleet, the City of Welland and the Township of West Lincoln, all as constituted or continued by section 2;
- (b) “bridge” means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) “chairman” means the chairman of the Regional Council;
- (d) “debt” includes any obligation for the payment of money;
- (e) “divided municipality” means a local municipality, parts of which are annexed to two or more municipalities under subsection 2 (1);
- (f) “highway” and “road” mean a common and public highway or any part thereof, and include a street, bridge, and any other structure incidental thereto or any part thereof;
- (g) “land” includes lands, tenements, and hereditaments, and any estate or interest therein, and any right or easement affecting them, and land covered with water, and includes any buildings or improvements on land;
- (h) “local board” means any school board, public utility commission, transportation commission, pub-

lic library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the Regional Corporation or of an area municipality or of two or more area municipalities or parts thereof;

- (i) "merged area" means a local municipality that is amalgamated with another local municipality or a part of a local municipality that is annexed to a local municipality to constitute an area municipality under subsection 2 (1) or the local municipality to which such part is annexed or the Township of Wainfleet;
- (j) "Minister" means the Minister of Intergovernmental Affairs;
- (k) "Ministry" means the Ministry of Intergovernmental Affairs;
- (l) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money, other than a by-law passed under section 137;
- (m) "Municipal Board" means the Ontario Municipal Board;
- (n) "Regional Area",
 - (i) until the 1st day of January, 1970, means the area included within the counties of Lincoln and Welland, and
 - (ii) on and after the 1st day of January, 1970, means the area from time to time included within the area municipalities;
- (o) "Regional Corporation" means The Regional Municipality of Niagara;
- (p) "Regional Council" means the council of the Regional Corporation;
- (q) "regional road" means a road forming part of the regional road system established under Part V;

- (r) "roadway" means that part of the highway designed or intended for use by vehicular traffic. R.S.O. 1970, c. 406, s. 1; 1972, c. 3, s. 17.

PART I

AREA MUNICIPALITIES

2.—(1) On the 1st day of January, 1970,

Constitution
of area
municipalities

- (a) The Corporation of the Town of Beamsville and The Corporation of the Township of Clinton are amalgamated as a town municipality bearing the name of The Corporation of the Town of Lincoln and the portion of the Township of Louth, described as follows, is annexed to such town:

COMMENCING at a point in the southern boundary of the Township of Louth, where it is intersected by the southerly production of the line between lots 7 and 8 in Concession VIII of the said Township;

THENCE northerly to and along the line between lots 7 and 8 in concessions VIII, VII, VI and V respectively, to the middle of the main channel of the Fifteen Mile Creek, south of the King's Highway No. 8;

THENCE in a general northerly direction following the middle of the main channel of the Fifteen Mile Creek to its mouth at Lake Ontario;

THENCE northerly on the same course as the westerly boundary of the present Township of Louth, to the north boundary of the said Township as defined by subsection 6 (2) of *The Territorial Division Act*, being chapter 395 of the Revised Statutes of Ontario, 1960;

THENCE westerly along the north boundary of the Township of Louth as defined by subsection 6 (2) of *The Territorial Division Act*, to the northerly prolongation of the west boundary of the Township of Louth;

THENCE southerly along the last-mentioned prolongation being along the boundary between the townships of Clinton and Louth, in accordance with the provisions of *The Territorial Division Act*, to the southerly high-water mark of Lake Ontario;

THENCE southerly along the boundary between the present townships of Clinton and Louth to the southwest angle of the said Township of Louth;

THENCE easterly along the south boundary of the said Township of Louth being along the boundary between the townships of Louth and Pelham to the point of commencement;

- (b) The Corporation of the Town of Fort Erie, The Corporation of the Township of Bertie and The Corporation of the Village of Crystal Beach are amalgamated as a town municipality bearing the name of The Corporation of the Town of Fort Erie and the portion of the Township of Willoughby, described as follows, is annexed to such town:

COMMENCING at the southwest corner of Lot 30, Adjoining Cross Concession, of the Township of Willoughby;

THENCE northerly along the west limit of said Lot 30 and across the road allowance between the Cross and Adjoining Cross Concessions to the southwest corner of Lot 15, Cross Concession, of the Township of Willoughby;

THENCE easterly along the north limit of the last-mentioned road allowance to the southeast corner of Lot 20 in the Broken Front Concession, southeast angle, of said Township of Willoughby;

THENCE northerly along the easterly limit of Lot 20 and its prolongation northerly to the centre line of the road allowance between lots 2 and 3 in the Broken Front Concession, Niagara River of the Township of Willoughby;

THENCE easterly along the last-mentioned centre of road allowance and its prolongation to the International Boundary between Canada and the United States of America in the Niagara River;

THENCE southeasterly along the said International Boundary through the said Niagara River, to the

easterly prolongation of the southern boundary of the said Township of Willoughby;

THENCE westerly along the last-mentioned prolongation and along the southerly boundary of the Township of Willoughby to the place of beginning;

- (c) The Corporation of the Town of Grimsby and The Corporation of the Township of North Grimsby are amalgamated as a town municipality bearing the name of The Corporation of the Town of Grimsby;
- (d) The Corporation of the City of Niagara Falls and The Corporation of the Village of Chippawa are amalgamated as a city municipality bearing the name of The Corporation of the City of Niagara Falls and the portions of the townships of Crowland, Humberstone and Willoughby, described as follows, are annexed to such city:

FIRSTLY, part of the Township of Crowland, commencing at the northeast angle of the Township of Crowland being at a point in the middle of the main channel of the Welland River;

THENCE westerly along the middle of the main channel of the Welland River being along the boundary between the Township of Crowland and the City of Niagara Falls, to the northerly prolongation of the line between lots 9 and 10 in the Broken Front Concession of the said Township of Crowland;

THENCE southerly to and along the line between lots 9 and 10 in the Broken Front Concession and between lots 9 and 10 in concessions I to VII both inclusive, and between lots 9 and 10 in the Gore and its extension southerly, to the southern boundary of the Township of Crowland;

THENCE easterly along the southern boundary of the said Township being along the boundary between the townships of Crowland and Humberstone, to the southeast angle of the said Township of Crowland;

THENCE northerly along the eastern boundary of the Township of Crowland being along the boundary between the townships of Crowland and Willoughby, to the point of commencement;

SECONDLY, part of the Township of Humberstone, commencing at the southeast angle of the Township of Crowland;

THENCE westerly along the boundary between the townships of Humberstone and Crowland, to the southerly prolongation of the line between lots 9 and 10 in the Gore of the said Township of Crowland;

THENCE southerly to the northeast corner of Lot 10, Concession 5, in the Township of Humberstone;

THENCE southerly along the easterly limit of said Lot 10, 1,000 feet;

THENCE easterly parallel with the south limit of the road allowance between the said townships of Humberstone and Crowland and its production easterly, to the easterly boundary of the Township of Humberstone;

THENCE northerly along the boundary between the townships of Humberstone and Bertie, to the northeasterly angle of the Township of Humberstone;

THENCE westerly along the north boundary of the said Township of Humberstone to the point of commencement;

THIRDLY, part of the Township of Willoughby, commencing at the northwesterly angle of the Township of Willoughby being at a point in the middle of the main channel of the Welland River;

THENCE southerly along the west boundary of the Township of Willoughby being along the boundary between the townships of Willoughby and Crowland, to the southwestern angle of Lot 15, in the Cross Concession of the Township of Willoughby;

THENCE easterly along the north limit of the road allowance between the Cross and Adjoining Cross Concessions to the southeast angle of Lot 20 in the Broken Front Concession, southeast angle, of the said Township of Willoughby;

THENCE northerly along the east limit of the said Lot 20 and its prolongation northerly to the

centre line of the road allowance between lots 2 and 3 in the Broken Front Concession, Niagara River, of the said Township of Willoughby;

THENCE easterly along the last-mentioned centre of road allowance and its prolongation, to the International Boundary between Canada and the United States of America in the Niagara River;

THENCE in a general northerly direction along the said International Boundary to the easterly prolongation of a straight line joining the middle of the main channel of the Welland River at the west limit of the Township of Willoughby, with the middle of the said river where it enters the Niagara River;

THENCE westerly along the last-mentioned prolongation to the east limit of the Village of Chippawa;

THENCE southeasterly, southwesterly, westerly and northerly along the boundaries of the said village, to the middle of the main channel of the Welland River;

THENCE westerly following the middle of the main channel of the Welland River being along the north boundary of the Township of Willoughby to the point of commencement;

- (e) The Corporation of the Town of Niagara and The Corporation of the Township of Niagara are amalgamated as a town municipality bearing the name of The Corporation of the Town of Niagara-on-the-Lake;
- (f) The Corporation of the Township of Pelham and The Corporation of the Village of Fonthill are amalgamated as a town municipality bearing the name of The Corporation of the Town of Pelham and the portion of the Township of Thorold, described as follows, is annexed to such town:

COMMENCING at a point in the westerly boundary of the Township of Thorold where it is intersected by the southerly limit of the right-of-way of Ontario Hydro crossing Lot 163 of the Township of Thorold;

THENCE southeasterly and easterly along the southerly limit of the said right-of-way, across lots 163, 162 and 161 of the Township of Thorold to the southerly limit of the right-of-way of the Niagara, St. Catharines and Toronto Railway as shown on Deposit Plan No. 9;

THENCE easterly following the south limit of the last-mentioned right-of-way to a point in Lot 160 distant 660 feet measured easterly at right angles from the eastern limit of Rice Road in the said Township of Thorold;

THENCE southerly parallel with the eastern limit of Rice Road, to a point in a line midway between Merritt Road and Quaker Road, the said point being in the line between the north and south halves of Lot 174 in the said Township of Thorold;

THENCE westerly along the said midway line and its prolongation, to a point in the western limit of the right-of-way of the Niagara, St. Catharines and Toronto Railway;

THENCE southerly along the westerly limit of the said right-of-way to the northern limit of the City of Welland;

THENCE westerly along the northern limit of the City of Welland, to the east boundary of the Township of Pelham;

THENCE northerly along the east boundary of the Township of Pelham, being along the boundary between the townships of Pelham and Thorold, to the south boundary of the Village of Fonthead;

THENCE following the boundaries of the said Village, easterly, northerly and westerly to the west boundary of the Township of Thorold;

THENCE northerly along the western boundary of the Township of Thorold to the point of commencement;

- (g) The portion of the Township of Humberstone, described as follows, is annexed to the City of Port Colborne:

COMMENCING at a point in the northern high-water mark of Lake Erie where it is intersected by the

easterly boundary of the said Township of Humberstone;

THENCE northerly along the said easterly boundary being along the boundary between the townships of Humberstone and Bertie, to a point distant 1,000 feet measured southerly thereon from the easterly production of the south limit of the allowance for road between the townships of Crowland and Humberstone;

THENCE westerly parallel to the south limit of the last-mentioned allowance for road and its production westerly to the toe of the slope on the west bank of the New Welland Ship Canal now under construction, being 175' west of the centre line thereof;

THENCE southwesterly along the said toe of the slope of the west bank of the New Welland Ship Canal parallel to and always 175' west of the centre line thereof to its intersection with the toe of the slope on the east bank of the present ship canal, said toe of the slope being 100' east of the centre line thereof;

THENCE northerly along the toe of the slope of the last-mentioned bank, always 100' east of the centre line of the present ship canal to a point distant 1,000' measured southerly at right angles from the southern limit of the road allowance between concessions IV and V of the said Township of Humberstone known as Forks Road;

THENCE westerly parallel with the last-mentioned limit of road allowance to the western boundary of the Township of Humberstone;

THENCE southerly along the west boundary of the said Township of Humberstone being along the boundary between the townships of Humberstone and Wainfleet to the northwestern angle of the City of Port Colborne;

THENCE following along the northern, eastern and southern boundaries of the said City of Port Colborne, to the boundary between the townships of Humberstone and Wainfleet;

THENCE southerly along the prolongation of the boundary between the said townships to the Inter-

national Boundary between Canada and the United States of America;

THENCE northeasterly along the said International Boundary, to the southerly prolongation of the eastern boundary of the said Township of Humberstone;

THENCE northerly along the last-mentioned prolongation, to the point of commencement;

- (h) The portion of the Township of Louth, described as follows, is annexed to the City of St. Catharines:

COMMENCING at a point in the south boundary of the Township of Louth where it is intersected by the southerly prolongation of the line between lots 7 and 8 in Concession VIII;

THENCE northerly to and along the line between lots 7 and 8 across concessions VIII, VII, VI and V, to the middle of the main channel of the Fifteen Mile Creek south of the King's Highway Number 8;

THENCE northerly along the middle of the main channel of the Fifteen Mile Creek to its outlet into Lake Ontario;

THENCE northerly on the same course as the westerly boundary of the Township of Louth, to the north boundary of the said Township being to a line in Lake Ontario as defined by subsection 6 (2) of *The Territorial Division Act*, being chapter 395 of the Revised Statutes of Ontario, 1960;

THENCE easterly along the last-mentioned line, to the northerly prolongation of the easterly boundary of the Township of Louth;

THENCE southerly along the last-mentioned prolongation, being along the boundary between the Township of Louth and the City of St. Catharines, to the southerly high-water mark of Lake Ontario;

THENCE southerly, easterly and southerly continuing along the boundary between the Township of Louth and the City of St. Catharines, to the southeast angle of the said Township of Louth;

THENCE westerly along the south boundary of the Township of Louth being along the boundary between the Township of Louth and the Township of Thorold and between the Township of Louth and the Township of Pelham, to the point of commencement;

- (i) The portions of the townships of Crowland and Thorold, described as follows, are annexed to the Town of Thorold:

NOTE—Erection of Town of Thorold into city municipality, see 1975, c. 32.

FIRSTLY, that part of the Township of Crowland lying between the middle of the main channel of the Welland River diversion to be constructed and the middle of the existing main channel of the present course of the Welland River (the constructed diversion to be defined in detail after completion), lying all in lots 16, 17, and 18 of the Broken Front Concession in the Township of Crowland;

SECONDLY, part of the Township of Thorold, commencing at the northwest angle of the original Township of Thorold;

THENCE southerly along the western boundary of the said Township to the southerly limit of the right-of-way of Ontario Hydro crossing Lot 163 of the said Township;

THENCE southeasterly and easterly along the southerly limit of the said right-of-way, across lots 163, 162, and 161 of the Township of Thorold to the southerly limit of the right-of-way of the Niagara, St. Catharines and Toronto Railway as shown on Deposit Plan No. 9;

THENCE easterly following the south limit of the last-mentioned railway right-of-way to a point in Lot 160 distant 660 feet measured easterly at right angles from the east limit of Rice Road;

THENCE southerly parallel to the said Rice Road to a point in the line between the north and south halves of Lot 174 of the said township being to the line midway between Merritt Road and Quaker Road;

THENCE easterly along the said midway line being along the line between the north and south halves

of lots 174, 228, 227, 226, 225, 224, 223 and 222 and its production through Lot 215, Broken Front Concession, to the middle of the diverted course of the Welland River to be constructed;

THENCE northeasterly and easterly along the middle of the main channel of the said river, to the southeast angle of the said Township of Thorold;

THENCE northerly, westerly and northerly along the boundary between the said Township of Thorold and the City of Niagara Falls to the south boundary of the Town of Thorold;

THENCE following the southerly and westerly boundaries of the said Town of Thorold, to the northwest angle of the said Town being on the northern boundary of the Township of Thorold;

THENCE westerly along the northern boundary of the said Township, westerly, northerly and westerly, to the point of commencement;

- (j) The Corporation of the Township of Wainfleet is continued;
- (k) The portions of the townships of Crowland, Humberstone and Thorold, described as follows, are annexed to the City of Welland:

FIRSTLY, part of the Township of Crowland, commencing at a point in the north boundary of the City of Welland where it is intersected by the middle of the present main channel of the Welland River;

THENCE northeasterly and easterly along the middle of the present main channel of the Welland River, along the middle of the main channel of the diverted course of the said river to be constructed, and along the middle of the main channel of the Welland River to the northerly prolongation of the line between lots 9 and 10 in the Broken Front Concession of the said Township of Crowland;

THENCE southerly to and along the line between lots 9 and 10 in the Broken Front Concession, along the line between lots 9 and 10 in concessions I to VII, both inclusive, and along the line between lots 9 and 10 in the Gore of the said

Township and its prolongation to the south boundary of the Township of Crowland;

THENCE westerly along the south boundary of the said Township of Crowland, being along the boundary between the townships of Crowland and Humberstone to the east boundary of the City of Welland;

THENCE northerly, westerly, northerly, westerly and northerly along the boundary between the Township of Crowland and the City of Welland, to the point of commencement;

SECONDLY, part of the Township of Humberstone, commencing at a point in the east boundary of the City of Welland where it is intersected by the boundary between the townships of Humberstone and Crowland;

THENCE easterly along the last-mentioned boundary to the southerly prolongation of the line between lots 9 and 10 in the Gore of the Township of Crowland;

THENCE southerly to the northeast corner of Lot 10, Concession 5, in the Township of Humberstone;

THENCE southerly along the easterly limit of said Lot 10, 1,000 feet;

THENCE westerly along a line parallel to the south limit of the road allowance between the said townships of Humberstone and Crowland known as Netherby Road and its production westerly to the toe of the slope on the west bank of the New Welland Ship Canal now under construction, being 175' west of the centre line thereof;

THENCE southwesterly along the said toe of the slope of the west bank of the New Welland Ship Canal parallel to and always 175' west of the centre line thereof to its intersection with the toe of the slope on the east bank of the present ship canal, said toe of the slope being 100' east of the centre line thereof;

THENCE northerly along the toe of the slope of the last-mentioned bank always 100' east of the centre line of the present ship canal to a point distant 1,000' measured southerly at right angles

from the southern limit of the road allowance between concessions IV and V of the said Township of Humberstone known as Forks Road;

THENCE westerly parallel with the last-mentioned limit of the road allowance to the western limit of the said Township of Humberstone;

THENCE northerly along the west boundary of the said Township of Humberstone being along the line between the townships of Humberstone and Wainfleet, to the southern boundary of the present City of Welland;

THENCE easterly following the boundaries of the present City of Welland to the point of commencement;

THIRDLY, part of the Township of Thorold, commencing at a point in the north boundary of the City of Welland where it is intersected by the western limit of the right-of-way of the Niagara, St. Catharines and Toronto Railway;

THENCE northerly along the western limit of the said railway to the line between the north and south halves of Lot 176 of the Township of Thorold, being to the line midway between Merritt Road and Quaker Road;

THENCE easterly along the said midway line being along the line between the north and south halves of lots 176, 175, 174, 228, 227, 226, 225, 224, 223 and 222 and its production through Lot 215, Broken Front Concession to the middle of the main channel of the Welland River;

THENCE southwesterly along the said middle of channel being along the southeast boundary of the Township of Thorold to its intersection with the north boundary of the City of Welland;

THENCE westerly along the said boundary of the City of Welland to the point of commencement;

- (l) The Corporation of the Township of Caistor, The Corporation of the Township of Gainsborough and The Corporation of the Township of South Grimsby are amalgamated as a township municipality bearing the name of The Corporation of the Township of West Lincoln. R.S.O. 1970, c. 406, s. 2 (1); 1973, c. 57, s. 19.

(2) That portion of the City of Thorold described as follows is annexed to the City of Welland on the 1st day of July, 1975:

Portion of
Thorold
annexed to
Welland

All of the north half of Lot 225 of the former Township of Thorold presently in the City of Thorold.

(3) Subsection (5) applies with necessary modifications to the annexation provided for in subsection (2). 1975, c. 46, s. 7.

Annexation
deemed by
Municipal
Board order

(4) The following police villages are dissolved on the 1st day of January, 1970:

Dissolution
of police
villages

1. The Police Village of Campden.
2. The Police Village of Fenwick.
3. The Police Village of Jordan.
4. The Police Village of Jordan Station.
5. The Police Village of Queenston.
6. The Police Village of St. Davids.
7. The Police Village of Vineland.

(5) For the purposes of every Act, the amalgamations, annexations and dissolutions provided for in this Part shall be deemed to have been effected by orders of the Municipal Board not subject to section 42 of the *Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the 27th day of June, 1969 pursuant to applications made under sections 14 and 25 of *The Municipal Act*, being chapter 249 of the Revised Statutes of Ontario, 1960, and, subject to the provisions of this Act, the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations, annexations and dissolutions, and sections 94 and 95 of the *Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers and "municipalities" in clause 14 (11) (a) of the *Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed. R.S.O. 1970, c. 406, s. 2 (2, 3).

Amalgama-
tions and
annexations
deemed by
orders of
Municipal
Board
orders
R.S.O. 1980,
c. 347

R.S.O. 1980,
c. 302

3.—(1) The council of each area municipality shall be composed of a mayor, who shall be elected by general vote and shall be the head of the council, and aldermen in the respective area municipalities as follows:

Composition
of councils

1. Town of Lincoln—eight aldermen elected by wards.

2. Town of Fort Erie—eight aldermen elected by wards.
3. Town of Grimsby—eight aldermen elected by general vote.
4. City of Niagara Falls—twelve aldermen elected by wards.
5. Town of Niagara-on-the-Lake—eight aldermen elected by general vote.
6. Town of Pelham—six aldermen elected by wards.
7. City of Port Colborne—eight aldermen elected by wards.
8. City of St. Catharines—twelve aldermen elected by wards.
9. City of Thorold—ten aldermen elected by general vote.
10. Township of Wainfleet—four aldermen elected by general vote.
11. City of Welland—twelve aldermen elected by wards.
12. Township of West Lincoln—six aldermen elected by wards. R.S.O. 1970, c. 406, s. 3 (1).

Alteration
of wards, etc.,
by O.M.B.

(2) Notwithstanding the provisions of this or any other Act, upon the application of an area municipality authorized by a by-law of the council thereof, or upon the petition of electors in accordance with the provisions of section 13 of the *Municipal Act*, the Municipal Board may, by order,

R.S.O. 1980,
c. 302

- (a) divide or redivide the area municipality into wards and shall designate the name or number that each ward shall bear and shall declare the date when the division or redivision shall take effect;
- (b) alter or dissolve any or all of the wards in the area municipality and shall declare the date when such alterations or dissolutions shall take effect;
- (c) vary the composition of the council of the area municipality,

provided that,

- (d) the mayor of the area municipality shall continue to be elected by a general vote of the electors of

the area municipality, and shall be the head of the council of the area municipality, and shall be a member of the Regional Council, as provided for in this Act. 1976, c. 43, s. 14 (2).

(3) Where the Minister is inquiring into the structure, organization and methods of operation of one or more area municipalities or the Regional Corporation, he may give notice to the Municipal Board of such inquiry and that in his opinion any application or applications and any petition or petitions made under subsection (2) should be deferred until the inquiry has been completed and considered, and thereupon all proceedings in any such application are stayed until he gives notice to the Municipal Board that they may be continued. 1979, c. 81, s. 18.

Stay of proceedings pending completion of inquiry

(4) The mayor of the Town of Niagara-on-the-Lake shall be known as the Lord Mayor. R.S.O. 1970, c. 406, s. 3 (6).

Mayor of Niagara-on-the-Lake

PART II

INCORPORATION AND COUNCIL OF REGIONAL AREA

4.—(1) The inhabitants of the Regional Area are continued as a body corporate under the name of "The Regional Municipality of Niagara". R.S.O. 1970, c. 406, s. 5 (1).

Regional Corporation continued

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of the *Municipal Affairs Act* and the *Ontario Municipal Board Act*. R.S.O. 1970, c. 406, s. 5 (2); 1972, c. 1, s. 104 (6).

Deemed municipality under R.S.O. 1980, cc. 303, 347

(3) Each of the judicial districts of Niagara North and Niagara South, as described in section 6 of the *Territorial Division Act*, shall be deemed to be a county for all judicial purposes.

Regional Area deemed county for judicial purposes
R.S.O. 1980, c. 497

(4) Every person who held an office or appointment under any Act on the 31st day of December, 1969, in and for the County of Lincoln or in and for the County of Welland shall be deemed, so long as he continues to hold such office or appointment, to hold such office or appointment on and after the 1st day of January, 1970, in and for the Judicial District of Niagara North or in and for the Judicial District of Niagara South, as the case may be. R.S.O. 1970, c. 406, s. 5 (3, 4).

Appointments for counties of Lincoln and Welland deemed appointments for Niagara North and Niagara South

5.—(1) The powers of the Regional Corporation shall be exercised by the Regional Council and, except where otherwise provided, the jurisdiction of the Regional Council is confined to the Regional Area.

Regional Council to exercise corporate powers

Powers
exercised
by by-laws

(2) Except where otherwise provided, the powers of the Regional Council shall be exercised by by-law.

Not to be
quashed as
unreasonable

(3) A by-law passed by the Regional Council in the exercise of any of its powers and in good faith shall not be open to question, or be quashed, set aside or declared invalid either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them. R.S.O. 1970, c. 406, s. 6.

Composition
of Regional
Council

6.—(1) The Regional Council shall consist of thirty members composed of a chairman and,

- (a) the head of the council of each area municipality;
- (b) six members elected by general vote of the electors of the area municipality of the City of St. Catharines;
- (c) three members elected by general vote of the electors of the area municipality of the City of Niagara Falls;
- (d) two members elected by general vote of the electors of the area municipality of the City of Welland;
- (e) one member elected respectively by general vote of the electors of each of the area municipalities of the Town of Lincoln, the Town of Fort Erie, the Town of Grimsby, the Town of Niagara-on-the-Lake, the City of Port Colborne and the City of Thorold. 1978, c. 59, s. 1.

Election of
chairman

(2) At the first meeting of the Regional Council after a regular election at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for the term of the council and until his successor is appointed or elected in accordance with this Act, and at such meeting the officer appointed under section 17 shall preside until the chairman is elected. 1978, c. 33, s. 15 (1).

Resignation
from area
council

(3) Where the head of the council of an area municipality becomes chairman, he shall be deemed to have resigned as a member of such council, and his seat on such council thereby becomes vacant, and an election shall be held in such municipality forthwith to elect a head of council, except where the vacancy occurs after the 31st day of

March of an election year as defined in the *Municipal Elections Act* in which case section 45 of the *Municipal Act* applies, and the expenses of such election shall be borne by the Regional Corporation. R.S.O. 1970, c. 406, s. 7 (4).

R.S.O. 1980,
cc. 308, 302

(4) If, at the first meeting of the Regional Council after a regular election a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for the term of the council and until his successor is elected or appointed in accordance with this Act. 1978, c. 33, s. 15 (2).

Failure
to elect
chairman

7.—(1) The election of the members of the Regional Council to be elected by general vote of the electors of an area municipality, as provided in section 6, shall be held at the same times and in the same manner as the election of the mayor of such area municipality, and the members so elected shall hold office for a two-year term and until their successors are elected and the new Regional Council is organized. R.S.O. 1970, c. 406, s. 8 (1).

Elections

(2) A person is eligible to be elected a member of the Regional Council by the electors of an area municipality if he is eligible to be elected a member of the council of the area municipality or to be appointed to fill a vacancy in the office of a member so elected, but no person, except a mayor, may be a member of the Regional Council and the council of an area municipality at the same time.

Qualifications

(3) Section 38 of the *Municipal Act* applies with necessary modifications to the Regional Council. R.S.O. 1970, c. 406, s. 8 (3, 4).

Disqualifica-
tion
R.S.O. 1980,
c. 302

8.—(1) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality after a regular election shall be held not later than the seventh day following the day on which the term of office in respect of which the election was held commences.

First
meeting of
area councils

(2) The first meeting of the Regional Council after a regular election shall be held after the councils of the area municipalities have held their first meetings under subsection (1), but in any event not later than the fourteenth day following the day on which the term of office in respect of which the election was held commences, on such date and at such time and place as may be fixed by by-law of the Regional Council. 1978, c. 33, s. 16.

First
meeting of
Regional
Council

Certificate
of qualifi-
cation

(3) A person entitled to be a member *ex officio* of the Regional Council shall not take his seat until he has filed with the person presiding at a meeting a certificate under the hand of the clerk of the area municipality of which he is the head of the council and under the seal of the area municipality certifying that he is entitled to be a member of the Regional Council.

Oath of
allegiance,
declaration
of qualifi-
cation

(4) The chairman, before taking his seat, shall take an oath of allegiance (Form 1) and a declaration of qualification (Form 2).

Declarations
of office

R.S.O. 1980,
c. 302

(5) No business shall be proceeded with at the first meeting until after the declarations of office in Form 3 of the *Municipal Act* have been made by all members who present themselves for that purpose.

When
Council
deemed
organized

(6) The Regional Council shall be deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in subsection 10 (1). R.S.O. 1970, c. 406, s. 9 (4-7).

Place of
meeting

9. Subject to section 8, all meetings of the Regional Council shall be held at such place within the Regional Area and at such times as the Regional Council from time to time appoints. R.S.O. 1970, c. 406, s. 10.

Quorum
voting

10.—(1) Sixteen members of the Regional Council representing at least six area municipalities are necessary to form a quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure. 1978, c. 59, s. 2.

One vote

(2) Subject to subsection (3), each member of the Regional Council has one vote only.

Chairman
vote

(3) The chairman does not have a vote except in the event of an equality of votes. R.S.O. 1970, c. 406, s. 11 (2, 3).

Vacancies,
chairman

11.—(1) When a vacancy occurs in the office of a chairman who has been appointed by the Lieutenant Governor in Council, some person shall be appointed by the Lieutenant Governor in Council to hold office as chairman for the remainder of the term of his predecessor.

(2) When a vacancy occurs in the office of a chairman ^{Idem} who has been elected under subsection 6 (2), the Regional Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman who may be one of the members of the Regional Council, or any other person, to hold office for the remainder of the term of his predecessor.

(3) If the Regional Council fails to elect a chairman ^{Idem} within twenty days as required by subsection (2), the Lieutenant Governor in Council may appoint a person as chairman to hold office for the remainder of the term of his predecessor. R.S.O. 1970, c. 406, s. 12 (1-3).

(4) When a vacancy occurs in the office of a member, ^{Other members} other than the chairman or the head of the council of an area municipality, the council of the area municipality from which he was elected shall by by-law within sixty days after the vacancy occurs appoint a successor, who is eligible to be elected a member of the Regional Council, to hold office for the remainder of the term of his predecessor. R.S.O. 1970, c. 406, s. 12 (4); 1976, c. 43, s. 15.

(5) Section 39 of the *Municipal Act*, except clauses (d) ^{When seat to become vacant} and (f), applies to the Regional Council. ^{R.S.O. 1980, c. 302}

(6) In the event that the head of a council of an area municipality is for any reason unable to fulfil his duties as a member of the Regional Council for a period exceeding one month, the council of the area municipality may by by-law appoint one of its members as an alternate representative to the Regional Council who shall act in the place and stead of the head of council during his incapacity, but no such by-law shall have effect for a period longer than one month from its effective date. ^{Where head of council incapacitated} R.S.O. 1970, c. 406, s. 12 (5, 6).

12. The Regional Council may from time to time ^{Committees of Council} establish such standing or other committees and assign to them such duties as it considers expedient. R.S.O. 1970, c. 406, s. 14 (1).

13. The Regional Council may pass by-laws for governing ^{Procedural by-laws} the proceedings of the Regional Council and any of its committees, the conduct of its members and the calling of meetings. R.S.O. 1970, c. 406, s. 15.

14.—(1) The chairman is the head of the Regional ^{Head of Council} Council and is the chief executive officer of the Regional Corporation.

Chief
adminis-
trative
officer

(2) The Regional Council may by by-law appoint a chief administrative officer, who,

- (a) shall have such general control and management of the administration of the government and affairs of the Regional Corporation and perform such duties as the Regional Council by by-law prescribes;
- (b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;
- (c) shall hold office during the pleasure of the Regional Council; and
- (d) shall receive such salary as the Regional Council by by-law determines.

Application of
R.S.O. 1980,
c. 302, s. 99 (2)

(3) Subsection 99 (2) of the *Municipal Act* applies to a chief administrative officer appointed under subsection (2). R.S.O. 1970, c. 406, s. 16.

Acting
chairman

15.—(1) When the chairman is absent or refuses to act, or his office is vacant, the Regional Council may by resolution appoint one of its members to act in his place and stead and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

Idem

(2) The Regional Council may by by-law appoint a member of the Regional Council to act from time to time in the place and stead of the chairman when the chairman is absent from the Regional Area or absent through illness or his office is vacant and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman. 1974, c. 117, s. 7.

Application of
R.S.O. 1980,
c. 302

16.—(1) Sections 57, 58, 60, 62, 63, 129, 137 to 141, 238, 239, 240 to 244, 247, 248, 249 and 250 of the *Municipal Act* apply with necessary modifications to the Regional Corporation. 1980, c. 33, s. 1.

Idem

(2) Sections 55, 64, 65 and 107 of the *Municipal Act* apply with necessary modifications to the Regional Council and to every local board of the Regional Council. R.S.O. 1970, c. 406, s. 18 (2).

17.—(1) The Regional Council shall appoint an officer, Appointment of officer and his duties
whose duty it is,

- (a) to record truly in a book, without note or comment, all resolutions, decisions and other proceedings of the Regional Council;
- (b) if required by any member present, to record the name and vote of every member voting on any matter or question;
- (c) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the Regional Council and its committees; and
- (d) to perform such other duties as may be assigned to him by the Regional Council.

(2) The Regional Council may appoint a deputy who Deputy officer
shall have all the powers and duties of the officer appointed under subsection (1).

(3) When the office of the officer appointed under subsection (1) is vacant or the incumbent is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting officer *pro tempore* who Acting officer
shall have all the powers and duties of the officer appointed under subsection (1).

(4) An officer appointed under this section is deemed Officer deemed clerk under other Acts
to be the clerk of the Regional Corporation for the purposes of every Act. R.S.O. 1970, c. 406, s. 19.

18.—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents in the possession or under the control of an officer appointed under section 17, except interdepartmental correspondence and reports of officials of any department or of solicitors for the Regional Corporation made to the Regional Council or any of its committees, and the officer within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the Regional Corporation to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix. Minutes open to inspection and copies to be furnished

(2) The officer appointed under section 17 shall keep Index of by-laws affecting land
an index book in which he shall enter the number and

date of all by-laws passed by the Regional Council that affect land or the use thereof in the Regional Area but do not directly affect the title to land.

Copies
certified by
officer to be
receivable
in evidence

(3) A copy of any record, book or document in the possession or under the control of an officer appointed under section 17, purporting to be certified under his hand and the seal of the Regional Corporation, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs. R.S.O. 1970, c. 406, s. 20.

Appoint-
ment of
financial
officer

19.—(1) The Regional Council shall appoint a financial officer to undertake the duties of a treasurer and such financial officer shall keep the books, records and accounts, and prepare the annual financial statements of the Regional Corporation and preserve and file all accounts of the Regional Corporation and shall perform such other duties as may be assigned to him by the Regional Council.

Deputy
financial
officer

(2) The Regional Council may appoint a deputy financial officer who shall have all the powers and duties of the financial officer.

Acting
financial
officer

(3) When the office of financial officer is vacant or the financial officer is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting financial officer *pro tempore* who shall have all the powers and duties of the financial officer.

Financial
officer
deemed
treasurer
under other
Acts

(4) A financial officer appointed under this section is deemed to be the treasurer of the Regional Corporation for the purposes of every Act. R.S.O. 1970, c. 406, s. 21.

Receipt and
disburse-
ment of
money

20.—(1) The financial officer shall receive and safely keep all money of the Regional Corporation, and shall pay out money to such persons and in such manner as the law in force in Ontario and the by-laws or resolutions of the Regional Council direct, provided that every cheque issued by the financial officer shall be signed by the financial officer and by some other person or persons designated for the purpose by by-law or resolution of the Regional Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized.

Signing of
cheques

(2) Notwithstanding subsection (1), the Regional Council may by by-law,

- (a) designate one or more persons to sign cheques in lieu of the financial officer; and
- (b) provide that the signature of the financial officer and of any other person authorized to sign cheques may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

(3) The Regional Council may by by-law provide that the financial officer may establish and maintain a petty cash fund of an amount of money sufficient to make change and to pay small accounts, subject to such terms and conditions as the by-law may provide. R.S.O. 1970, c. 406, s. 22 (1-3). Petty cash fund

(4) Except where otherwise expressly provided by this Act, a member of the Regional Council shall not receive any money from the financial officer for any work or service performed or to be performed, but nothing in this subsection prevents the payment of any moneys under any contract in respect of which the member has complied with section 2 of the *Municipal Conflict of Interest Act*. R.S.O. 1970, c. 406, s. 22 (4); 1973, c. 54, s. 1. Member of Council, when he may be paid for work
R.S.O. 1980, c. 305

(5) The financial officer is not liable for money paid by him in accordance with a by-law or resolution of the Regional Council, unless another disposition of it is expressly provided for by statute. R.S.O. 1970, c. 406, s. 22 (5). Financial officer's liability limited

21. Subject to subsection 20 (3), the financial officer shall, Bank accounts

- (a) open an account or accounts in the name of the Regional Corporation in such of the chartered banks of Canada or at such other place of deposit as may be approved by the Regional Council;
- (b) deposit all money received by him on account of the Regional Corporation, and no other money, to the credit of such account or accounts, and no other account; and
- (c) keep the money of the Regional Corporation entirely separate from his own money and from that of any other person,

and, notwithstanding subsection 20 (1), the Regional Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the financial officer vary from such provisions. R.S.O. 1970, c. 406, s. 23.

Monthly
statement
by financial
officer

22.—(1) The financial officer shall prepare and submit to the Regional Council, monthly, a statement of the money at the credit of the Regional Corporation.

Notice to
sureties

(2) Where the financial officer is removed from office or absconds, the Regional Council shall forthwith give notice to his sureties. R.S.O. 1970, c. 406, s. 24.

Appoint-
ment of
auditors

23.—(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause by the Regional Council, and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation. 1977, c. 34, s. 7.

Cost of
audit

(2) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the Regional Corporation and charged back to the local board, and, in the event of a dispute as to the amount of the cost, the Ministry may upon application finally determine the amount thereof. R.S.O. 1970, c. 406, s. 25 (2); 1972, c. 1, s. 1.

Disquali-
fication of
auditors

(3) No person shall be appointed as an auditor of the Regional Corporation who is or during the preceding year was a member of the Regional Council or of the council of an area municipality or of any local board the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the Regional Corporation or an area municipality or any such local board, or any employment with any of them other than for services within his professional capacity. R.S.O. 1970, c. 406, s. 25 (3); 1976, c. 43, s. 16.

Duties of
auditors

(4) An auditor shall perform such duties as are prescribed by the Ministry, and also such duties as may be required by the Regional Council or any local board of the Regional Corporation that do not conflict with the duties prescribed by the Ministry. R.S.O. 1970, c. 406, s. 25 (4); 1972, c. 1, s. 1.

Audit of
accounts
before
payment

(5) The Regional Council may provide that all accounts shall be audited before payment. R.S.O. 1970, c. 406, s. 25 (5).

Application of
R.S.O. 1980,
c. 302

24.—(1) Sections 84, 85, 90, 92, 93, 94 and 96, subsections 98 (1), (4) and (5), sections 99, 100, 109 and 117 and paragraphs 45,

46, 47, 48 and 49 of section 208 of the *Municipal Act* apply with necessary modifications to the Regional Corporation.

(2) Where the Regional Corporation or a local board ^{Pensions} thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Lincoln or a local board thereof or the County of Welland or a local board thereof, the Regional Corporation or local board thereof shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the 27th day of June, 1969 in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the Regional Corporation or local board thereof and such employee shall have uninterrupted membership or entitlement to membership, as the case may be, in the Ontario Municipal Employees Retirement System.

(3) Where the Regional Corporation or a local board ^{Idem} thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area, the employee shall be deemed to remain an employee of the local municipality or local board thereof for the purposes of his entitlement under any approved pension plan.

(4) Where the Regional Corporation or a local board ^{Sick leave credits} thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Lincoln or a local board thereof or the County of Welland or a local board thereof, the employee shall be deemed to remain an employee of the municipality or local board thereof until the Regional Corporation or local board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the Regional Corporation, whereupon the Regional Corporation or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the municipality or local board thereof.

(5) Where the Regional Corporation or a local board ^{Holidays} thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Lincoln or a local board thereof or the County of Welland or a local board thereof or a suburban roads commission, the Regional Corporation or

local board thereof shall, during the first year of his employment by the Regional Corporation or local board thereof, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the municipality or local board thereof.

Offer of
continua-
tion of
employment
by Regional
Council

(6) The Regional Council shall offer to employ every person who, on the 1st day of April, 1969, is employed by the County of Lincoln or the County of Welland or by any suburban roads commission or the Niagara District Health Unit or in any undertaking of any local municipality or local board that is assumed by the Regional Corporation under this Act. R.S.O. 1970, c. 406, s. 26 (1-6).

Application of
R.S.O. 1980,
c. 348

(7) The Regional Corporation shall be deemed to be a municipality for the purposes of the *Ontario Municipal Employees Retirement System Act*.

Offer of
continua-
tion of
employment
by area
council

(8) The employees of the local municipalities and the local boards thereof within the Regional Area which are amalgamated or annexed in whole or in part to form an area municipality who were employed by such a local municipality or local board on the 1st day of April, 1969, and continue to be so employed until the 31st day of December, 1969, except employees offered employment by the Regional Council under subsection (6), shall be offered employment by the council of the area municipality with which they are amalgamated or to which they are annexed.

Sick leave
credits

(9) Any sick leave credits standing, on the 31st day of December, 1969, to the credit of any person who accepts employment under subsection (8) shall be placed to the credit of such employee in the sick leave credit plan established by the new employer.

Holidays

(10) Any person who accepts employment under subsection (8) shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the local municipality or local board by which he was formerly employed. R.S.O. 1970, c. 406, s. 26 (8-11).

Pension
rights and
sick leave
credits.

(11) Where, under the provisions of this section, any employee, in the opinion of the Minister, experiences any difficulty or hardship with regard to the transfer of any pension rights or sick leave credits, the Minister may by order do anything necessary to remedy or alleviate such difficulty or hardship. 1973, c. 158, s. 1.

(12) Nothing in this section prevents any employer from terminating the employment of an employee for cause. Termination of employment
R.S.O. 1970, c. 406, s. 26 (12).

PART III

REGIONAL WATERWORKS SYSTEM

25.—(1) For the purpose of supplying to the area municipalities water for the use of the area municipalities and their inhabitants, the Regional Corporation has all the powers conferred by any general Act upon a municipal corporation and by any special Act upon any local municipality or local board thereof within the Regional Area, respecting the supply of water and the establishment, construction, maintenance, operation, improvement and extension of a waterworks system. Establishment of waterworks

(2) The Regional Corporation shall not entrust the construction or the control and management of the regional waterworks system to a public utilities commission. Waterworks utilities commission prohibited
R.S.O. 1970, c. 406, s. 27.

26.—(1) The Regional Corporation may pass by-laws for constructing, maintaining, improving, repairing, widening, altering, diverting and stopping up works for the production, treatment and storage of water and trunk distribution mains connected therewith. Construction, etc., of waterworks system
1972, c. 51, s. 2.

(2) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to the supply and distribution of water without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought. Approval of O.M.B. to undertaking, etc.
1974, c. 117, s. 8.

27.—(1) The Regional Council shall, before the 31st day of December, 1969, pass by-laws which shall be effective on the 1st day of January, 1970, assuming as part of the regional waterworks system all works for the production, treatment and storage of water operated by or on behalf of each area municipality or any local board thereof and all trunk distribution mains connected therewith and all rights and obligations of an area municipality or local board in relation to such works and mains, and on the day any such by-law becomes effective all the real and personal property in relation to the works and mains designated therein vests in the Regional Corporation. Assumption of works and mains

Idem

(2) A by-law under subsection (1) shall designate and describe the works and trunk distribution mains assumed.

Interpre-
tation

(3) For the purpose of subsection (1), a distribution main shall be deemed to be a trunk distribution main if so declared in the by-law assuming it.

Extension
of time

(4) Notwithstanding subsection (1), a by-law for assuming any specific work or trunk distribution main may, with the approval of the Municipal Board, be passed after the 31st day of December, 1969, and in that case the by-law becomes effective on the date provided therein.

Regional
liability

(5) Where the Regional Corporation assumes a work or trunk distribution main vested in an area municipality or local board,

(a) no compensation or damages shall be payable to the area municipality or local board;

(b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such work or main, but nothing in this clause requires the Regional Corporation to pay that portion of the amounts of principal and interest that under the *Local Improvement Act* is payable as the owners' share of a local improvement work. R.S.O. 1970, c. 406, s. 28 (1-5).

R.S.O. 1980,
c. 250

Default

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause (5) (b), the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 20.

Settling of
doubts

(7) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the work or trunk distribution main assumed, the Municipal Board, upon application, may determine the matter and its decision is final.

Interpre-
tation

(8) In this section, "works" means buildings, structures, plant, machinery, equipment, appurtenances, devices, conduits, intakes, outlets, underground construction and installations and other works designed for the production,

treatment and storage of water and includes lands appropriated for such purposes and uses. R.S.O. 1970, c. 406, s. 28 (7, 8).

28.—(1) Where any local municipality or a local board thereof within the Regional Area has agreed with any other municipality to supply water to that other municipality, and the works and trunk distribution mains used or required in carrying out such agreement are assumed by the Regional Corporation, the Regional Corporation becomes liable for the supply of water in accordance with the agreement and is bound by all the terms thereof and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder. Existing agreements

(2) Notwithstanding subsection (1) and notwithstanding anything in the agreement, the Municipal Board, upon the application of the Regional Council or the council of the municipality to which the water is supplied, has jurisdiction and power from time to time to confirm, vary or fix the rates charged or to be charged in connection with water supplied under the agreement. R.S.O. 1970, c. 406, s. 29. Rates

29.—(1) No area municipality, after the 31st day of December, 1969, shall establish, maintain or operate any works for the production, treatment and storage of water. Powers of area municipalities restricted

(2) Nothing in this section limits the powers of an area municipality or local board thereof respecting the use and distribution of water supplied to such area municipality by the Regional Corporation. R.S.O. 1970, c. 406, s. 30. Proviso

30.—(1) No municipality or local board thereof that is supplied with water by the Regional Corporation shall supply or agree to supply any of such water beyond the limits of the municipality without the approval of the Regional Council. Supply beyond limits of local municipality

(2) Nothing in subsection (1) prohibits an area municipality or local board from supplying water to another municipality where by an agreement entered into before the 15th day of October, 1969, which by reason of an amalgamation or annexation under this Act the area municipality or local board is obligated to supply such water and the works and trunk distribution mains used or required in carrying out such agreement have not been Proviso

assumed by the Regional Corporation. R.S.O. 1970, c. 406, s. 31.

Regulation
of supply,
etc.

31.—(1) The Regional Council may pass by-laws for regulating the time, manner, extent and nature of the supply of water from the regional waterworks system, and every other matter or thing related to or connected therewith that it may be necessary and proper to regulate in order to secure to the inhabitants of the Regional Area a continued and abundant supply of pure and wholesome water, and to prevent the practising of frauds on the Regional Corporation with regard to the water so supplied. R.S.O. 1970, c. 406, s. 32 (1).

Continuation
of
fluoridation
of water
supply in
area
1960-61,
c. 30

(2) Where, immediately before the 1st day of January, 1970, the water supply in any area in the Regional Area was fluoridated as a result of an affirmative vote of the electors to a question submitted to the electors under section 2 of *The Fluoridation Act, 1960-61*, the Regional Corporation may continue to fluoridate the water supply to such area. R.S.O. 1970, c. 406, s. 32 (2).

Repeal of
subs. (2)

(3) Subsection (2) is repealed on a day to be named by proclamation of the Lieutenant Governor. 1972, c. 51, ss. 4, 15 (2).

Mainten-
ance,
manage-
ment, etc.

32. The Regional Council may pass by-laws for the maintenance and management of the regional waterworks system and may also by by-law or resolution fix the charges to meet the cost of any work or service done or furnished for the purposes of the supply of water and the rent of or charges for fittings, apparatus, meters or other things leased or furnished to any municipality. R.S.O. 1970, c. 406, s. 33.

Rates

33.—(1) The Regional Council may pass by-laws fixing the rates at which water will be supplied to the area municipalities, and the times and places when and where the rates shall be payable.

Idem

(2) In fixing the rates, the Regional Council may use its discretion as to the rate or rates to be charged to any area municipality, and may charge different rates to one or more of the area municipalities.

Self-
sustaining

(3) The Regional Council shall so fix the rates at which water is supplied to the area municipalities that the revenues of the waterworks system will be sufficient to make the system self-sustaining after providing for such maintenance, renewals, depreciation, debt charges and reserves as the Regional Council may think proper.

(4) Clause 53 (1) (k) of the *Ontario Municipal Board Act* does not apply with respect to water supplied by the Regional Corporation to an area municipality. R.S.O. 1970, c. 406, s. 34. R.S.O. 1980, c. 347, s. 53 (1) (k), not applicable

34.—(1) The Regional Corporation shall supply water to the area municipalities, but, subject to subsection (2), shall not supply water to any other person. Retail sale prohibited

(2) The Regional Corporation may enter into a contract for the supply of water to any local or regional municipality outside the Regional Area for its use or for resale to the inhabitants thereof for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time. R.S.O. 1970, c. 406, s. 35. Sale to other municipalities

35. The Regional Council shall keep separate books and accounts of the revenues, expenditures, assets and liabilities in respect of the regional waterworks system in such manner as may be prescribed by the Ministry. R.S.O. 1970, c. 406, s. 36; 1972, c. 1, s. 1. Books and accounts

36.—(1) Notwithstanding anything in the *Public Utilities Act* or any other general or special Act, the revenues in respect of the regional waterworks system shall be applied only for, Application of revenues R.S.O. 1980, c. 423

- (a) the reduction of any indebtedness assumed or incurred with respect to the system;
- (b) the operation, maintenance, renewal, improvement or extension of the system;
- (c) the establishment of such reserve funds as the Regional Council considers proper, to be used at any future time for any purpose mentioned in clause (a) or (b) or for the stabilization of rates,

and any surplus revenues not required for such purposes shall remain credited to the waterworks system accounts and shall not form part of the general funds of the Regional Corporation.

(2) It is not necessary to levy any rate to provide for principal, interest or other payments on account of any debentures issued or any debt assumed by the Regional Corporation for the purposes of the regional waterworks system except to the extent that the revenues from the system are insufficient to meet the annual payments Where levy unnecessary

falling due on account of principal and interest on the debentures or debt.

Reserve fund

R.S.O. 1980,
c. 512

(3) The moneys forming part of a reserve fund established under subsection (1) shall be paid into a special account and may be invested in such securities as a trustee may invest in under the *Trustee Act* and the earnings derived from the investment of such moneys shall form part of the reserve fund.

Application
of reserve
fund

(4) The moneys forming part of a reserve fund established under subsection (1) shall be applied or expended only for the purposes of the regional waterworks system. R.S.O. 1970, c. 406, s. 37.

Disposal of
property

37.—(1) Subject to section 44, the Regional Corporation may sell, lease or otherwise dispose of any real or personal property acquired, held or used for or in connection with the regional waterworks system, that, in the opinion of the Regional Council, is no longer required for the purposes of the waterworks system, but where the property is actually used for the purposes of the waterworks system no such sale, lease or other disposition shall be made without the approval of the Municipal Board.

Proceeds

(2) The proceeds of any such sale, lease or other disposition shall be applied first in redemption and payment of any indebtedness assumed or incurred in respect of the property disposed of, and the balance shall form part of the revenues in respect of the regional waterworks system. R.S.O. 1970, c. 406, s. 38.

Temporary
shut-offs

38.—(1) The Regional Corporation is not liable for damages caused by the shut-off or reduction of the amount of water supplied to an area municipality in cases of emergency or breakdown, or when it is necessary in maintaining or extending the system, but the Regional Council shall wherever possible give to any area municipality reasonable notice of intention to shut off or reduce the supply of water.

No breach
of contract

(2) Where the supply of water by the Regional Corporation to an area municipality is interrupted or reduced, the area municipality or its local board may, notwithstanding anything in any contract, allocate and distribute its available water among its customers and may interrupt or decrease the delivery of water under any contract, and nothing done under this subsection shall be deemed to be a breach of contract or entitle any person to

rescind any contract or release any guarantor from the performance of his obligation. R.S.O. 1970, c. 406, s. 39.

39.—(1) The Regional Council may pass by-laws establishing standards for and regulating and governing the design, construction and maintenance of local water distribution works by the area municipalities and may provide in any such by-law for the inspection of such local works, and every area municipality and local board shall conform to such by-laws. Standards for local systems

(2) No area municipality or local board thereof shall construct or extend any local water distribution works or connect the works or any part thereof to any work or main of the Regional Corporation without the approval of the Regional Council. R.S.O. 1970, c. 406, s. 40. Approval of local extensions and connections

40. If the council of an area municipality considers itself aggrieved by the refusal of the Regional Corporation or the Regional Council, Appeal

- (a) to assume as a regional work any local work;
- (b) to construct any extension of the regional distribution system;
- (c) to maintain or increase the supply of water to the area municipality;
- (d) to approve the construction or extension of any local water distribution works by the area municipality; or
- (e) to permit the connection or the continuance of a connection to the regional system,

the council may appeal to the Municipal Board which may make such order as it considers advisable in the matter, and the decision of the Municipal Board is final. R.S.O. 1970, c. 406, s. 41.

41.—(1) All rates and charges against an area municipality or local board thereof imposed under the authority of this Part are a debt of the area municipality to the Regional Corporation, and the treasurer of every area municipality shall pay the same to the financial officer of the Regional Corporation at the times and in the amounts specified by by-law of the Regional Council. R.S.O. 1970, c. 406, s. 42 (1). Payment of charges

Discounts
and penalties

(2) The Regional Council may by by-law provide for uniform rates of discount for prompt payment of charges for water supply to the area municipalities and may by by-law provide for the payment of interest in the event of default at a rate of 15 per cent per annum, or such lower rate as the Regional Council determines, while such default continues. 1979, c. 81, s. 21.

Transfer
of rights
over works
assumed

42. The Regional Corporation has, in respect of all works and trunk distribution mains assumed as part of the regional waterworks system, all the rights, powers, benefits and advantages conferred either by by-law or contract or otherwise upon the area municipality or area municipalities or their local boards with respect to such works or mains before they were assumed by the Regional Corporation, and the Regional Corporation may sue upon such rights or under such by-laws or agreements in the same manner and to the same extent as the area municipality or municipalities or local board or boards might have done if such works or mains had not been assumed. R.S.O. 1970, c. 406, s. 43.

Inspection
of local
works

43. Any person authorized by the Regional Council has free access from time to time, upon reasonable notice given and request made, to all works for the distribution of water within an area municipality and to all lands, buildings and premises used in connection therewith and the right upon the like notice and request to inspect and copy all plans, records and specifications and other information relating to the construction, extension or maintenance of such local works. R.S.O. 1970, c. 406, s. 44.

Reversion
where mains
no longer
required

44. Where a distribution main has been assumed by the Regional Corporation under section 27 and, in the opinion of the Regional Council, is no longer required for the purposes of the regional waterworks system but is, in the opinion of the council of the area municipality in which it is situate, required as a local distribution main by the area municipality, the Regional Council shall by by-law remove the main from the regional waterworks system and transfer it and all rights and obligations relating thereto to the area municipality. R.S.O. 1970, c. 406, s. 45.

Use of
regional
works

45. The works and mains assumed by the Regional Corporation under section 27, together with any extensions or additions thereto constructed by the Regional Corporation, may be used by the Regional Corporation for the purpose of supplying and distributing water to any or all of the area municipalities and, subject to subsection 34 (2), to any local or regional municipality outside the Regional Area. R.S.O. 1970, c. 406, s. 46.

PART IV

REGIONAL SEWAGE WORKS

46.—(1) In this Part,

Interpre-
tation

- (a) “capital improvement” means an addition to or an extension, enlargement, alteration, replacement or other improvement of a work of such nature or character that it is usually and properly accounted for as a capital asset;
- (b) “land drainage” means storm, surface, overflow, subsurface or seepage waters or other drainage from land, but does not include sewage;
- (c) “sewage” means domestic sewage or industrial wastes, or both;
- (d) “sewage works” means an integral system consisting of a sewer or sewer system and treatment works;
- (e) “sewer” means a public sewer for common usage for the purpose of carrying away sewage or land drainage, or both;
- (f) “sewer system” means a system of two or more interconnected sewers having one or more common discharge outlets and includes pumping plant, force mains, siphons and other like work;
- (g) “treatment works” means buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets and other works designed for the treating of sewage or land drainage, or both, and includes the collecting, dispersing and disposing of sewage or land drainage as incidental thereto and land appropriated for such purposes and uses;
- (h) “work” means a sewer, sewer system, sewage works or treatment works, or a capital improvement of any of them.

(2) For the purpose of this Part, a sewer, sewer system^{Idem} or sewage works, whether existing or proposed, shall be deemed to be a trunk sewer, trunk sewer system or trunk sewage works, if so declared by by-law of the Regional Council. R.S.O. 1970, c. 406, s. 47.

General
powers

47.—(1) For the purpose of collecting or receiving from the area municipalities, or any of them, sewage and land drainage and the treatment or disposal thereof, the Regional Corporation has all the powers conferred by any general Act upon a municipal corporation and by any special Act upon any local municipality or local board thereof within the Regional Area.

Sewage
works
utilities
commission
prohibited

(2) The Regional Corporation shall not entrust the construction or the control and management of the regional sewage works to a public utilities commission. R.S.O. 1970, c. 406, s. 48.

Construction,
etc., of trunk
sewage
works

48. The Regional Council may pass by-laws for constructing, maintaining, improving, repairing, widening, altering, diverting and stopping up trunk sewers, trunk sewer systems, trunk sewage works, treatment works and watercourses. R.S.O. 1970, c. 406, s. 49.

Assumption
of treatment
works

49.—(1) The Regional Council shall, before the 31st day of December, 1969, pass by-laws which shall be effective on the 1st day of January, 1970, assuming as regional sewage works all treatment works operated by or on behalf of each area municipality or any local board thereof and all rights and obligations of an area municipality or local board in relation to such works, and on the day any such by-law becomes effective all the real and personal property in relation to the works designated therein vests in the Regional Corporation.

Other
works

(2) The Regional Council may at any time pass by-laws for assuming any trunk sewer, trunk sewer system, or watercourse vested in any area municipality or local board thereof, but no such by-law becomes effective before the 1st day of January, 1970.

Idem

(3) A by-law under subsection (1) or (2) shall designate and describe the works assumed.

Extension
of time

(4) Notwithstanding subsection (1), a by-law for assuming any specific treatment works may, with the approval of the Municipal Board, be passed after the 31st day of December, 1969, and in that case the by-law becomes effective on the date provided therein.

Regional
liability

(5) Where the Regional Corporation assumes a work or watercourse vested in an area municipality or local board,

(a) no compensation or damages shall be payable to the area municipality or local board;

- (b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such work or watercourse, but nothing in this clause requires the Regional Corporation to pay that portion of the amounts of principal and interest that under the *Local Improvement Act* is payable as the owners' share of a local improvement work. R.S.O. 1970, c. 406, s. 50 (1-5). R.S.O. 1980, c. 250

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause (5) (b), the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 22. Default

(7) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the work or watercourse assumed, the Municipal Board, upon application, may determine the matter and its decision is final. R.S.O. 1970, c. 406, s. 50 (7). Settling of doubts

50.—(1) Where any local municipality or a local board thereof within the Regional Area has agreed with any other municipality to receive sewage or land drainage from that other municipality, and the works or watercourses used or required in carrying out such agreement are assumed by the Regional Corporation, the Regional Corporation becomes liable to receive such sewage or land drainage in accordance with the agreement, and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder. Existing agreements

(2) Where any local municipality or a local board thereof within the Regional Area has agreed with any person other than a municipality to receive sewage or land drainage and the works or watercourses used or required in carrying out such agreement are assumed by the Regional Corporation, the Regional Corporation becomes liable to receive such sewage or land drainage in accordance with the agreement and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder. Idem

(3) Notwithstanding subsections (1) and (2) and notwithstanding anything in any such agreement, the Municipal Board, upon the application of the Regional Council or of Termination

the council of any area municipality or of any person concerned, may by order terminate any such agreement and adjust all rights and liabilities thereunder. R.S.O. 1970, c. 406, s. 51.

Powers
of area
municipalities
restricted

51.—(1) Where all the treatment works of an area municipality or any local board thereof are assumed by the Regional Corporation, the area municipality shall not thereafter establish, maintain or operate treatment works without the approval of the Regional Council.

Idem

(2) No area municipality shall establish or enlarge any treatment works after the 31st day of December, 1969, without the approval of the Regional Council. R.S.O. 1970, c. 406, s. 52.

Regulation
of system,
etc.

52.—(1) The Regional Council may pass by-laws for the maintenance and management of its sewers, sewer system, sewage works, treatment works and watercourses and regulating the manner, extent and nature of the reception and disposal of sewage and land drainage from the area municipalities and every other matter or thing related to or connected therewith that it may be necessary and proper to regulate in order to secure to the inhabitants of the Regional Area an adequate system of sewage and land drainage disposal. R.S.O. 1970, c. 406, s. 53.

Control of
sewage

(2) The Regional Council has all the authority and powers in respect of any sewers which mediately or immediately enter into sewers or treatment works under the jurisdiction of the Regional Corporation as have councils of local municipalities under paragraph 147 of section 210 of the *Municipal Act*.

R.S.O. 1980,
c. 302

Conflict

(3) In the event of conflict between a by-law passed under subsection (2) by the Regional Council and a by-law passed by the council of an area municipality under paragraph 147 of section 210 of the *Municipal Act*, the by-law passed by the Regional Council prevails to the extent of such conflict but in all other aspects the by-law of the area municipality remains in full effect and force. 1979, c. 81, s. 23.

Imposition of
sewer rate

53.—(1) The Regional Council may by by-law from time to time provide for imposing on and collecting from any area municipality, in respect of the whole of such area municipality or any designated part thereof from which sewage or land drainage, including storm drainage, is received a sewer rate sufficient to pay the whole or such portion as the by-law may specify, of the regional expenditures relating to the capital costs of any work or water course assumed, constructed or to be constructed by the Regional Corporation, or for extension or improvement of such work, including debenture charges relating to any capital costs. 1979, c. 81, s. 24 (1).

(2) An area municipality may,

Raising of
money by
area muni-
cipality

(a) pay the amounts chargeable to it under subsection (1) out of its general funds; or

(b) subject to the approval of the Municipal Board, may pass by-laws under section 218 of the *Municipal Act* for imposing sewer rates to recover the whole or any part of the amount chargeable to the area municipality in the same manner as if the work were being or had been constructed, extended or improved by the area municipality, notwithstanding that in the by-law authorizing the work there was no provision for imposing, with the approval of the Municipal Board, upon owners or occupants of land who derive or will or may derive a benefit from the work a sewer rate sufficient to pay the whole or a portion or percentage of the capital cost of the work; or

R.S.O. 1980,
c. 302

(c) include the whole or any part of an amount chargeable to the area municipality as part of the cost of an urban service for the collection and disposal of sewage and land drainage chargeable within an urban service area established in the area municipality under any general or special Act. 1973, c. 54, s. 2, *part*.

(3) Notwithstanding any general or special Act, the Municipal Board shall hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to the collection and disposal of sewage without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought. 1979, c. 81, s. 24 (2).

Approval of
O. M. B. to
undertaking,
etc.

54.—(1) No municipality or person shall connect any local work, local watercourse, private drain or private sewer to a regional work or watercourse without the approval of the Regional Council.

Connecting
to regional
works or
watercourses

(2) The Regional Corporation may enter into a contract with any local or regional municipality outside the Regional Area to receive and dispose of sewage and land drainage from the local municipality on such terms and conditions as may be agreed upon for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time.

Agreements
with other
municipal-
ities

(3) Any engineer or other officer of the Regional Corporation has power to inspect the plans and specifications of any

Inspection

work referred to in subsection (1) and to inspect the work during its construction and before it is connected with the regional work or watercourse. R.S.O. 1970, c. 406, s. 55.

Standards
for local
systems

55.—(1) The Regional Council may pass by-laws establishing standards for and regulating and governing the design, construction and maintenance of local works connected or to be connected to a regional work or watercourse, and every area municipality and local board shall conform to such by-laws.

Approval
of local
extensions,
etc.

(2) No area municipality or local board thereof shall enlarge, extend or alter any local work or watercourse that discharges into a regional work or watercourse without the approval of the Regional Council. R.S.O. 1970, c. 406, s. 56.

Appeal

56. If the council of an area municipality considers itself aggrieved by the refusal of the Regional Corporation or the Regional Council,

- (a) to assume as a regional work any local work;
- (b) to construct, extend or improve any regional work;
- (c) to receive any required volume of sewage or land drainage from the area municipality;
- (d) to approve the construction, alteration, improvement or extension of a local work;
- (e) to permit a connection or the continuance of a connection to any regional work,

the council may appeal to the Municipal Board, which may make such order as it considers advisable in the matter, and the decision of the Municipal Board is final. R.S.O. 1970, c. 406, s. 57.

Special
sewage
service
rates

57.—(1) The Regional Council may pass by-laws, providing for imposing on and collecting from any area municipality, in respect of the whole or any designated part or parts thereof from which sewage and land drainage is received, a sewage service rate or rates sufficient to pay such portion as the by-law may specify of the annual cost of maintenance and operation of any regional work or works. R.S.O. 1970, c. 406, s. 58 (1).

Raising of
money by
area munici-
pality
R.S.O. 1980,
c. 302

(2) The area municipality may pay the amounts chargeable to it under any such by-law out of its general funds or may pass by-laws under section 218 of the *Municipal Act*

for imposing sewage service rates to recover the whole or part of the amount chargeable to the area municipality. R.S.O. 1970, c. 406, s. 58 (3).

58. The Regional Council may contribute toward the cost to any area municipality of the separation of sanitary and storm sewers now in existence in the area municipality, the construction of which commenced on or after the 1st day of January, 1969, such amount as it considers proper, not exceeding 25 per cent of the total cost thereof to the area municipality. R.S.O. 1970, c. 406, s. 59.

Contribution towards cost of separation of combined sewers

59. The Regional Corporation has, in respect of all works assumed, all the rights, powers, benefits and advantages conferred either by by-law or contract or otherwise upon the area municipality or area municipalities or their local boards with respect to such works before they were assumed by the Regional Corporation and the Regional Corporation may sue upon such rights or under such by-laws or agreements in the same manner and to the same extent as the area municipality or municipalities or local boards might have done if such works had not been assumed. R.S.O. 1970, c. 406, s. 60.

Transfer of rights over works assumed

60. Any person authorized by the Regional Council has free access from time to time, upon reasonable notice given and request made, to all works within an area municipality and to all lands, buildings and premises used in connection therewith and the right, upon the like notice and request, to inspect and copy all plans, records and specifications and other information relating to the construction, extension or maintenance of such local works. R.S.O. 1970, c. 406, s. 61.

Inspection of local works

61. Any works assumed by the Regional Corporation under section 49, together with any extensions or additions thereto constructed by the Regional Corporation, may be used by the Regional Corporation for the purpose of receiving and disposing of sewage and land drainage from any or all of the area municipalities and, subject to subsection 54 (2), from any local or regional municipality outside the Regional Area. R.S.O. 1970, c. 406, s. 62.

Use of regional works

62.—(1) All rates and charges against an area municipality imposed under the authority of this Part are a debt of the area municipality to the Regional Corporation, and the treasurer of every area municipality shall pay the same to the financial officer of the Regional Corporation at the times and in the amounts specified by by-law of the Regional Council. 1973, c. 54, s. 4, *part*.

Payment of charges

Discounts
and
penalties

(2) The Regional Council may by by-law provide for uniform rates of discount for prompt payment of charges imposed under the authority of this Part and may by by-law provide for interest in the event of default at a rate of 15 per cent per annum, or such lower rate as the Regional Council determines, while such default continues. 1979, c. 81, s. 25.

PART V

REGIONAL ROAD SYSTEM

Interpre-
tation

63. In this Part,

- (a) “approved” means approved by the Minister or of a type approved by the Minister;
- (b) “construction” includes reconstruction;
- (c) “maintenance” includes repair;
- (d) “Minister” means the Minister of Transportation and Communications;
- (e) “Ministry” means the Ministry of Transportation and Communications;
- (f) “road authority” means a body having jurisdiction and control of a highway. R.S.O. 1970, c. 406, s. 63; 1972, c. 1, s. 100 (2).

County roads
to constitute
regional
road system
until
established
by by-law

64.—(1) On and after the 1st day of January, 1970, all roads under the jurisdiction and control of the County of Lincoln and the County of Welland on the 31st day of December, 1969, shall constitute the regional road system until a by-law passed under subsection (3) is in force and is effective.

Adding or
removing
roads by
by-law

(2) The Regional Council may by by-law from time to time add roads to or remove roads from the regional road system, including such boundary line roads or portions thereof between the Regional Area and an adjoining municipality as may be agreed upon between the Regional Council and the council of the municipality.

By-law
establishing
system

(3) A by-law shall be passed under subsection (2) and submitted not later than the 31st day of March, 1970, to the Minister for approval by the Lieutenant Governor in Council, which by-law shall establish the regional road system and

designate the roads to be included in and those removed from the regional road system as constituted under subsection (1). R.S.O. 1970, c. 406, s. 64 (1-3).

(4) The Lieutenant Governor in Council may transfer any highway under the jurisdiction and control of the Ministry within the Regional Area to the Regional Corporation and the highway shall for all purposes be deemed to be part of the regional road system on such date as is designated by the Lieutenant Governor in Council and to have been transferred under section 29 of the *Public Transportation and Highway Improvement Act*. R.S.O. 1970, c. 406, s. 64 (4); 1971, c. 61, s. 1; 1972, c. 1, s. 1.

Transfer of provincial highway to Regional Corporation

R.S.O. 1980, c. 421

(5) While a road or a part thereof forms part of the regional road system, jurisdiction and control and the soil and freehold of such road or part is vested in the Regional Corporation.

Vesting of roads in Regional Corporation

(6) The Lieutenant Governor in Council may remove any road from the regional road system.

Removal of roads from regional road system

(7) Where a road or part thereof is removed from the regional road system, except by reason of it being stopped-up pursuant to section 75, such road or part is thereupon transferred to and jurisdiction and control and the soil and freehold thereof is thereupon vested in the area municipality in which it is situate, and the area municipality may sue upon any rights or under any agreements or by-laws in the same manner and to the same extent as the Regional Corporation in respect of such road. R.S.O. 1970, c. 406, s. 64 (5-7).

Roads removed from system

(8) The Regional Council shall, from time to time, pass a by-law consolidating all by-laws relating to the regional road system. 1980, c. 33, s. 2.

Consolidating by-law

(9) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant Governor in Council and the Lieutenant Governor in Council may approve the by-law in whole or in part, and, where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it shall not be necessary for the Regional Council to pass any further by-law amending the original by-law or repealing any part thereof that has not been approved, and every such by-law as approved is in force and has effect after the day named by the Lieutenant Governor in Council. R.S.O. 1970, c. 406, s. 64 (9).

Approval of by-laws

65. The Regional Council shall adopt a plan of road construction and maintenance, and from time to time there-

Plan of construction and maintenance

after shall adopt such other plans as may be necessary. R.S.O. 1970, c. 406, s. 65 (1).

Information
to Minister

66. Where the Regional Corporation proposes the construction, improvement or alteration of a regional road it shall furnish the Minister with such detailed information as he may require. R.S.O. 1970, c. 406, s. 66.

Contribution
towards
expenditures
R.S.O. 1980,
c. 421

67. Where a contribution has been made from any source whatsoever towards an expenditure to which section 89 of the *Public Transportation and Highway Improvement Act* applies, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs. R.S.O. 1970, c. 406, s. 67 (5).

Expenditure
for con-
struction,
maintenance
or repair

68. The roads forming part of the regional road system shall be maintained and kept in repair by the Regional Corporation, and in all cases the Minister shall determine the amount of the expenditure for construction or maintenance or for the purchase or maintenance of road machinery, plant and equipment that is properly chargeable to road improvement, and his decision is final. R.S.O. 1970, c. 406, s. 68.

Powers
over roads
assumed

69. The Regional Corporation has, in respect of the roads included in the regional road system, all the rights, powers, benefits and advantages conferred, and is subject to all liabilities imposed, either by statute, by-law, contract or otherwise upon The Corporation of the County of Lincoln or The Corporation of the County of Welland or the corporation of the area municipality or the corporations of two or more area municipalities or the corporation of any suburban roads commission which had jurisdiction over the roads before they were assumed by the Regional Corporation, and the Regional Corporation may sue upon such rights or under such agreements or by-laws in the same manner and to the same extent as the County of Lincoln or the County of Welland or the area municipality or municipalities or suburban roads commission, as the case may be, might have done if the roads had not become part of the regional road system. R.S.O. 1970, c. 406, s. 69.

Sidewalks
excepted

70.—(1) The Regional Corporation is not by reason of a road forming part of the regional road system under this Act liable for the construction or maintenance of sidewalks on any regional road or portion thereof, but the area municipality in which such sidewalks are located continues to be liable for the maintenance of such sidewalks and is responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to

which an area municipality is liable under section 284 of the *Municipal Act*, in respect of a sidewalk on a road over which a council has jurisdiction. R.S.O. 1970, c. 406, s. 70 (1). R.S.O. 1980,
c. 302

(2) An area municipality may construct a sidewalk, storm sewer or other improvement or service on a regional road and the Regional Corporation may contribute to the cost of such sidewalk, storm sewer, improvement or service, but no such work shall be undertaken by an area municipality without first obtaining the approval of the Regional Council expressed by resolution. R.S.O. 1970, c. 406, s. 70 (2); 1972, c. 51, s. 7. Area municipalities
may
construct
sidewalks,
etc.

(3) The cost of any such sidewalk, storm sewer, improvement or service constructed on a regional road may be met out of the general funds of the area municipality or the work may be undertaken in whole or in part as a local improvement under the *Local Improvement Act*. How cost
provided

R.S.O. 1980,
c. 250

(4) An area municipality when constructing such a sidewalk, storm sewer, improvement or service on a regional road shall conform to any requirements or conditions imposed by the Regional Council and is responsible for any injury or damage arising from the construction or presence of the sidewalk, improvement or service on the road. R.S.O. 1970, c. 406, s. 70 (3, 4). Area municipality to
conform to
requirements
and be
responsible
for damages

(5) Subsection 106 (4) of the *Public Transportation and Highway Improvement Act* does not apply to a sidewalk constructed on a regional road by the council of a township. R.S.O. 1970, c. 406, s. 70 (5); 1971, c. 61, s. 1. R.S.O. 1980,
c. 421, s. 106
(4), not to apply

71.—(1) The Regional Corporation may construct, install, maintain or remove any works on a highway, other than the King's Highway, including traffic control devices, for the purpose of altering or regulating the flow of traffic upon, entering or leaving a regional road. R.S.O. 1970, c. 406, s. 71 (1). Installation
of traffic
control
devices

(2) The Regional Corporation may relocate, alter or divert any public road, other than a road under the jurisdiction and control of the Ministry, entering or touching upon or giving access to a regional road. R.S.O. 1970, c. 406, s. 71 (2); 1972, c. 1, s. 1. Relocation
of inter-
secting
roads

(3) No road shall be relocated, altered or diverted under subsection (2) without the approval of the area municipality in which the road is located, which approval may be granted upon such terms and conditions as may be agreed upon, or failing such approval or agreement, the approval of the Municipal Board. Approval

Hearing,
etc.

(4) The Municipal Board, before giving its approval under subsection (3) shall hold a public hearing and shall give or cause to be given at least ten days notice of the hearing to the clerk of the area municipality concerned and to such other persons in such manner as the Municipal Board may direct and the Municipal Board, as a condition to giving any such approval, may by its order impose such restrictions, limitations and conditions respecting the relocation, alteration or diversion of such road as to the Municipal Board may appear necessary or expedient.

Construction
of storm
sewer, etc., on
area muni-
cipality
road

(5) Where the Regional Corporation constructs a sidewalk, storm sewer, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality may contribute to the cost of such sidewalk, storm sewer, improvement or service and the work may be undertaken in whole or in part under the *Local Improvement Act*. R.S.O. 1970, c. 406, s. 71 (3-5).

R.S.O. 1980,
c. 250

Intersection
of other
roads by
regional
road

72. Where a regional road intersects a road that is under the jurisdiction and control of an area municipality, the continuation of the regional road to its full width across the road intersected is a part of the regional road system. R.S.O. 1970, c. 406, s. 72.

Dedication
of lands
abutting
regional
roads for
widening
purposes

73. When land abutting on a regional road is dedicated for highway purposes for, or apparently for, the widening of the regional road, the land so dedicated is part of the regional road and the jurisdiction and control and the soil and freehold thereof is vested in the Regional Corporation subject to any rights in the soil reserved by the person who dedicated the land. R.S.O. 1970, c. 406, s. 73.

New roads

74.—(1) The Regional Council may pass by-laws for establishing and laying out new roads and for amending the by-law passed under section 64 by assuming such new roads as part of the regional road system and the provisions of the *Municipal Act* with respect to the establishment and laying out of highways by municipalities apply with necessary modifications. R.S.O. 1970, c. 406, s. 74 (1).

R.S.O. 1980,
c. 302

Agreements
re controlled-
access
highways

R.S.O. 1980,
c. 421

(2) On and after the 1st day of January, 1970, the Regional Corporation is authorized to enter into agreements with the Minister under section 99 of the *Public Transportation and Highway Improvement Act* with respect to roads within the Regional Area and thereafter no area municipality shall enter into such agreements, and all such agreements entered into before such date by a local municipality within the Regional Area shall thereafter be deemed to be agreements entered into by the Regional Corporation. R.S.O. 1970, c. 406, s. 74 (2); 1971, c. 61, s. 1.

75. With respect to the regional roads and the regulation of traffic thereon, the Regional Corporation has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation of a city under the *Municipal Act*, the *Highway Traffic Act* and any other Act with respect to highways. R.S.O. 1970, c. 406, s. 75.

Powers and liabilities of Regional Corporation

R.S.O. 1980, cc. 302, 198

76. The Regional Council or the council of any area municipality may by by-law designate any lane on any road over which it has jurisdiction as a lane solely or principally for use by public transit motor vehicles and prohibit or regulate the use thereof by vehicles other than public transit motor vehicles to such extent and for such period or periods as may be specified, and for the purpose of this section "public transit motor vehicle" means a motor vehicle owned and operated by, for or on behalf of the Regional Corporation or any area municipality as part of a passenger transportation service. 1973, c. 54, s. 5.

Bus lanes, designation by by-law

77.—(1) The Regional Council may, with respect to a regional road, by by-law prohibit or regulate the placing or erecting of,

Erection of gasoline pump and advertising device near regional road

(a) any gasoline pump within forty-five metres of any limit of a regional road; and

(b) any sign, notice or advertising device within 400 metres of any limit of a regional road. R.S.O. 1970, c. 406, s. 76 (1); 1978, c. 87, s. 51 (1).

(2) A by-law passed under this section may provide for the issuing of permits for the placing or erecting of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor. R.S.O. 1970, c. 406, s. 76 (2).

Permits

78.—(1) No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force unless it has been approved by the Regional Council. R.S.O. 1970, c. 406, s. 77 (1); 1976, c. 43, s. 17 (1).

By-laws of area municipalities regulating traffic

(2) A by-law submitted for approval of the Regional Council in compliance with subsection (1) may be approved in whole or in part and, where part of a by-law is approved only, that part only shall become operative.

Regional Council may approve by-law in whole or in part

(3) The Regional Council may withdraw its approval to any by-law or any part thereof by notice sent by registered mail to the clerk of the area municipality and such by-law

Withdrawal of approval

or part thereof shall be deemed to be repealed twenty-one days after the sending of the notice. 1976, c. 43, s. 17 (2).

Signal-light
devices

(4) All signal-light traffic control devices heretofore or hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the Regional Council, and the Regional Council may delegate any of its powers in respect of the operation of such devices to an officer of the Regional Corporation designated in the by-law.

Contribution
toward cost
of signal-
lights

(5) The Regional Corporation may contribute toward the cost of erection of signal-light traffic control devices erected by an area municipality. R.S.O. 1970, c. 406, s. 77 (2, 3).

Traffic
control
within
thirty metres
of regional
roads
R.S.O. 1980,
c. 198

(6) Subject to the *Highway Traffic Act*, the Regional Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of thirty metres on either side of the limit of a regional road and where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict. R.S.O. 1970, c. 406, s. 77 (4); 1978, c. 87, s. 51 (2).

Existing
speed limits
continued

79.—(1) Notwithstanding the other provisions of this Act but subject to subsections (2) and (3), for the purposes of section 109 of the *Highway Traffic Act* the areas in the Regional Area that, on the 31st day of December, 1969, formed part of a city, town, village or township municipality or police village shall be deemed to continue to form part of a city, town, village or township municipality or police village.

By-laws of
Regional
Council and
area councils

(2) Notwithstanding subsection (1), the Regional Council and the council of each area municipality may exercise any of its powers under section 109 of the *Highway Traffic Act* in respect of highways under its jurisdiction and control.

Existing
by-laws
under s. 59
of R.S.O.
1960, c. 172,
continued

(3) Every by-law passed by the council of a municipality or by the trustees of a police village under any provision of section 59 of *The Highway Traffic Act*, being chapter 172 of the Revised Statutes of Ontario, 1960, that applied, on the 31st day of December, 1969, to any highway or portion thereof within the Regional Area shall continue to apply thereto until a by-law passed by the Regional Council or the council of an area municipality under section 109 of the *Highway Traffic Act* applies thereto. R.S.O. 1970, c. 406, s. 78.

Use of
untravelling
portions of
regional
roads for
parking

80. The Regional Council may by by-law empower the council of any area municipality to exercise the powers of the

area municipality under section 310 of the *Municipal Act* in relation to the use of untravelled portions of regional roads within those portions of the area municipality in which land may be used for commercial or industrial purposes. R.S.O. 1970, c. 406, s. 79. R.S.O. 1980,
c. 302

81. The Regional Council may by by-law authorize agreements between the Regional Corporation and the owners or lessees of land abutting on a highway for the construction, maintenance and use of walks for pedestrians over, across or under the highway upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof, and for leasing or licensing the use of untravelled portions of such walks and adjoining lands to persons for such considerations and upon such terms and conditions as may be agreed. R.S.O. 1970, c. 406, s. 80. Agreements
for
pedestrian
walks

82.—(1) Sections 292 and 294 of the *Municipal Act* do not apply to a bridge or highway crossing or forming a boundary between the Regional Area and an adjoining municipality where such bridge or highway is included in the regional road system and in the road system of the municipality. Disputes as
to mainten-
ance, etc.,
of bridges and
highways

(2) When there is a difference between the Regional Council and the council of a municipality in respect of any such bridge or highway as to the corporation upon which the obligation rests for the constructing or maintaining of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the Regional Council and the council of the municipality are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the Regional Corporation or the corporation of the municipality. Idem

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality, and in the case of the regional municipality the officer appointed under section 17, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities in regard to such bridge or highway, and the Municipal Board may make such order in regard to the same as it considers just and proper; and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute toward the building and maintaining of such bridge or highway. Hearing by
O.M.B.

Term of
order

(4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive. R.S.O. 1970, c. 406, s. 81.

Boundary
bridges
R.S.O. 1980,
c. 302

83. Clause 261 (1) (b) of the *Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities, and the councils of the area municipalities on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system. R.S.O. 1970, c. 406, s. 82.

Idem

84. Section 276 of the *Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the Regional Area and an adjoining municipality, and the councils of the area municipality and the adjoining local municipality on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system. R.S.O. 1970, c. 406, s. 83.

Restrictions

85.—(1) The Regional Council has, with respect to all land lying within a distance of forty-five metres from any limit of a regional road, all the powers conferred on the council of a local municipality by section 39 of the *Planning Act*. R.S.O. 1970, c. 406, s. 84 (1); 1978, c. 87, s. 51 (3).

R.S.O. 1980,
c. 379Conflict
with local
by-law

(2) In the event of conflict between a by-law passed under subsection (1) by the Regional Council and a by-law passed under section 39 of the *Planning Act* or a predecessor of such section by the council of a local municipality that is in force in the area municipality in which the land is situate, the by-law passed by the Regional Council prevails to the extent of such conflict. R.S.O. 1970, c. 406, s. 84 (2).

Controlled-
access
roads

86.—(1) Subject to the approval of the Municipal Board, the Regional Council may by by-law designate any regional road, or any portion thereof, as a regional controlled-access road.

Closing
municipal
roads

(2) Subject to the approval of the Municipal Board, the Regional Council may by by-law close any municipal road that intersects or runs into a regional controlled-access road.

Notice of
application
for approval
for closing
road

(3) The Municipal Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such time, in such manner and to such persons as the Municipal Board may determine, and may

further direct that particulars of objections to the closing shall be filed with the Municipal Board and the Regional Corporation within such time as the Municipal Board shall direct.

(4) Upon the hearing of the application for approval of the closing of a road, the Municipal Board may make such order as it considers proper refusing its approval or granting its approval upon such terms and conditions as it considers proper, and any order of the Municipal Board approving of the closing of a road may contain provisions,

Order of
O.M.B.

- (a) determining the portion or portions of the road that shall be closed;
- (b) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and
- (c) providing for the doing of such other acts as in the circumstances it considers proper.

(5) Upon the approval of the Municipal Board being so obtained but subject to the provisions of the order of the Municipal Board made on the application for such approval, the Regional Corporation may do all such acts as may be necessary to close the road in respect of which the application is made.

Closing
road

(6) Where, at any time after making application for the approval of the Municipal Board of the closing of a road, the Regional Corporation discontinues its application or, having obtained such approval, does not proceed with the closing of the road, the Municipal Board may, upon the application of any person whose land would be injuriously affected by the closing of the road and who has appeared upon such application for approval, make such order as to costs against the Regional Corporation as it considers proper and may fix the amount of such costs.

Idem

(7) Any person who claims to be injuriously affected by the closing of a road may, by leave of the Divisional Court, appeal to that court from any order of the Municipal Board approving the closing of such road, and the Regional Corporation may, upon like leave, appeal from any order of the Municipal Board made on an application under this section.

Appeal

(8) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court considers just.

Leave to
appeal

Practice and
procedure
on appeal

(9) The practice and procedure as to the appeal and matters incidental thereto shall be in accordance with the rules of court and the decision of the Divisional Court is final.

R.S.O. 1980,
c. 347, s. 95,
not to apply

(10) Section 95 of the *Ontario Municipal Board Act* does not apply to an appeal under this section. R.S.O. 1970, c. 406, s. 85.

Private
roads, etc.,
opening
upon
regional
controlled-
access road

87.—(1) The Regional Council may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a regional controlled-access road.

Notice

(2) The Regional Corporation may give notice to the owner of any land requiring him to close up any private road, entranceway, structure or facility constructed or used as a means of access to a regional controlled-access road in contravention of a by-law passed under subsection (1).

Service of
notice

(3) Every notice given under subsection (2) shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail shall be deemed to have been received on the second day following the mailing thereof.

Failure to
comply with
notice

(4) Where the person to whom notice is given under subsection (2) fails to comply with the notice within thirty days after its receipt, the Regional Council may by resolution direct any officer, employee or agent of the Regional Corporation to enter upon the land of such person and do or cause to be done whatever may be necessary to close up the private road, entranceway, structure or facility as required by the notice.

Offence

(5) Every person who fails to comply with a notice given under subsection (2) is guilty of an offence and on conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence.

Compensa-
tion

(6) Where a notice given under subsection (2) has been complied with, no compensation is payable to the owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a controlled-access road designated under subsection 86 (1) was constructed or used, as the case may be,

(a) before the day on which the by-law designating the road as a controlled-access road became effective;
or

- (b) in compliance with a by-law passed under subsection (1), in which case the making of compensation is subject to any provisions of such by-law. R.S.O. 1970, c. 406, s. 86.

88.—(1) Where the Regional Corporation assumes as a regional road any road in an area municipality, Regional liability when road assumed

- (a) no compensation or damages shall be payable to the area municipality in which it was vested; and
- (b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this clause requires the Regional Corporation to pay that portion of the amounts of principal and interest that under the *Local Improvement Act* is payable as the owners' share of a local improvement work. R.S.O. 1970, c. 406, s. 87 (1). R.S.O. 1980, c. 250

(2) If the Regional Corporation fails to make any payment as required by clause (1) (b), interest shall be payable thereon at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines from the date payment is due until it is made. 1979, c. 81, s. 26. Default

(3) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the road assumed, the Municipal Board, upon application, may determine the matter and its decision is final. R.S.O. 1970, c. 406, s. 87 (3). Settling of doubts

89.—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall so notify by registered mail the officer appointed under section 17. Stopping up highways

(2) If the Regional Council objects to such stopping up, it shall so notify the council of the area municipality by registered mail within sixty days of the receipt of the notice under subsection (1) and the highway or part thereof concerned shall not be stopped up except by agreement between the area municipality and the Regional Council and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final. R.S.O. 1970, c. 406, s. 88. Agreement

Approval
required to
intersect
regional
road

(3) No area municipality shall open up, establish or assume for public use any highway which intersects with or enters upon any highway in the regional road system, without the prior written approval of the Regional Corporation. 1973, c. 158, s. 2.

Application of
R.S.O. 1980,
c. 421

90. Sections 101, 103, 105, 108 and 111 of the *Public Transportation and Highway Improvement Act* apply with necessary modifications with respect to any regional road. R.S.O. 1970, c. 406, s. 90; 1971, c. 61, s. 1.

PART VI

MUNICIPAL HYDRO-ELECTRIC SERVICE

Interpre-
tation

91. In this Part,

- (a) "accumulated net retail equity" means the portion of equity accumulated through debt retirement appropriations recorded for the Rural Power District relating to Ontario Hydro's rural retail system plus the portion of the balance recorded for customers in the Stabilization of Rates and Contingencies Account, in the books of Ontario Hydro;
- (b) "municipal commission" means a hydro-electric commission or public utilities commission entrusted with the control and management of works for the retail distribution and supply of power in the Regional Area immediately before the 14th day of June, 1979 and established or deemed to be established under Part III of the *Public Utilities Act*;
- (c) "power" means electrical power and includes electrical energy;
- (d) "regulations" means the regulations made under this Part;
- (e) "retail", when used in relation to the distribution and supply of power, refers to the distribution and supply of power at voltages less than 50 kilovolts, but does not refer to works located within a transformer station that transform power from voltages greater than 50 kilovolts to voltages less than 50 kilovolts. 1979, c. 33, s. 1, *revised*.

R.S.O. 1980,
c. 423

Commissions
continued

92.—(1) The hydro-electric commission for each of the towns of Grimsby and Lincoln, the City of Niagara Falls, the Town of

Niagara-on-the-Lake, the Town of Pelham, the City of Port Colborne, the City of St. Catharines, the City of Thorold, the City of Welland and the Township of West Lincoln established by *The Niagara Municipal Hydro-Electric Service Act, 1979* is continued. 1979, c. 33

(2) Each commission shall be deemed to be a commission established under Part III of the *Public Utilities Act* and a municipal commission within the meaning of the *Power Corporation Act*. Application of R.S.O. 1980, cc. 423, 384

(3) Each commission shall be known by the name set out below that relates to the area municipality in respect of which the commission is established: Names of commissions

1. Grimsby Hydro-Electric Commission.
2. Lincoln Hydro-Electric Commission.
3. Niagara Falls Hydro-Electric Commission.
4. Niagara-on-the-Lake Hydro-Electric Commission.
5. Pelham Hydro-Electric Commission.
6. Port Colborne Hydro-Electric Commission.
7. St. Catharines Hydro-Electric Commission.
8. Thorold Hydro-Electric Commission.
9. Welland Hydro-Electric Commission.
10. West Lincoln Hydro-Electric Commission.

(4) Each commission shall consist of the mayor of the area municipality in respect of which the commission is established and either two or four additional members who are qualified electors under the *Municipal Elections Act* in the area municipality. Composition R.S.O. 1980, c. 308

(5) The council of each area municipality shall determine by by-law whether the number of additional members of the commission established in respect of the area municipality shall be two or four. When area municipality may determine size of commission

(6) For the term expiring with the 30th day of November, 1980, the council of each area municipality served by a commission shall appoint the additional members of the commission. Additional members of first commissions

Idem

(7) At least one half of the additional members appointed under subsection (6) shall be appointed from among the members of the municipal commission or the municipal commissions, as the case may be, that supplied power immediately before the 14th day of June, 1979, in the area municipality in respect of which the commission is established by subsection (1).

Idem

(8) At least one of the additional members appointed by the council of each area municipality under subsection (6) shall be a person who resides outside the part of the area municipality supplied with power by a municipal commission immediately before the 14th day of June, 1979.

Additional
members of
subsequent
commissions

(9) For terms commencing after the 30th day of November, 1980, the additional members of each commission shall be elected by a general vote of the electors of the area municipality served by the commission, unless before the 1st day of July, 1980, the council of the area municipality provides by by-law that the additional members shall be appointed by the council.

Eligibility
of members
of council

(10) Members of the council of the area municipality served by a commission may be members of the commission, but the members of the council shall not form a majority of the commission.

Term of
office

(11) A member of a commission shall hold office for the same term as the members of council or until his successor is elected or appointed.

Delegates

(12) The council of an area municipality served by a commission may, by by-law passed with the written consent of the mayor, appoint a delegate from among the members of the council to represent the mayor on the commission.

Salary
of first
commissions

(13) The salaries of the members of the commissions, for the term expiring with the 30th day of November, 1980, shall be fixed on or before the 1st day of October, 1979 in an amount that does not exceed the highest salary paid to members of the municipal commissions operating in the Regional Area on the 1st day of January, 1979.

Resignation

(14) A resignation from the council of an area municipality of a member of the council who is a member of a commission shall be deemed to be a resignation from both the council and the commission.

Where
more
than one
municipal
commission
in area

(15) Notwithstanding subsection (5), where an area municipality was served immediately before the 14th day of June, 1979

by more than one municipal commission, for the term expiring with the 30th day of November, 1980, the number of additional members of the commission established in respect of the area municipality shall be four and at least one of such additional members shall be appointed by the council of the area municipality from among the members of each of the municipal commissions.

(16) The trustees of the police village of Queenston as it existed on the 31st day of December, 1969 shall be deemed to have been established on that date as a hydro-electric commission for the control and management of works for the retail distribution and supply of power in the police village of Queenston under Part III of the *Public Utilities Act*. 1979, c. 33, s. 2.

Queenston
village
trustees
deemed
commission

93.—(1) The council of the Township of Wainfleet may, with the consent of Ontario Hydro, establish by by-law a hydro-electric commission for the Township of Wainfleet.

Establish-
ment of
Wainfleet
commission
by by-law

(2) The commission established under subsection (1),

Name, etc.

(a) shall be known as the Wainfleet Hydro-Electric Commission; and

(b) shall be deemed to be a commission established under Part III of the *Public Utilities Act* and a municipal commission within the meaning of the *Power Corporation Act*.

R.S.O. 1980,
cc. 423, 384

(3) The council of the Township of Wainfleet shall appoint the first additional members of the commission established under subsection (1).

First
additional
members

(4) Upon the establishment of the commission under subsection (1),

Application
of other
sections
of Act

(a) subsections 92 (4), (5), (10), (11), (12) and (14), subsections 94 (5), (6) and (10) and sections 95, 96 and 99 shall apply with necessary modifications;

(b) subsection 92 (9), subsections 94 (1), (2), (7) and (12) to (16) and section 97 shall apply with necessary modifications and, for the purpose, the dates mentioned therein shall be deemed to be the dates that shall be specified in the by-law mentioned in subsection (1); and

(c) the commission, for the purposes of clauses (a) and (b), shall be deemed to be a commission continued under section 92.

Review of
distribution
and supply
of power

(5) Until such time as the power conferred by subsection (1) has been exercised,

(a) the council of the Township of Wainfleet shall review the distribution and supply of power within the Township of Wainfleet at least once in every three years, and shall determine by resolution whether or not it is financially feasible to exercise the power conferred by subsection (1); and

(b) where the council determines as provided in clause (a) that it is financially feasible, the council shall exercise the power conferred by subsection (1). 1979, c. 33, s. 3.

Powers of
commissions
R.S.O. 1980,
c. 423

94.—(1) Except as herein provided, all the powers, rights, authorities and privileges that are conferred by the *Public Utilities Act* on a municipal corporation with respect to power shall, on and after the 1st day of January, 1980, be exercised on behalf of each area municipality mentioned in subsection 92 (1) by the commission established in respect of the area municipality and not by the council of any municipality or any other person.

Idem

(2) Subject to subsections (3) and (6) and to any subsisting contracts for the supply of power made under section 70 of *The Power Corporation Act* being chapter 354 of the Revised Statutes of Ontario, 1970, or for the supply of power at 25 hertz, on and after the 1st day of January, 1980, each commission has the sole right to distribute and supply power within the area municipality in respect of which it is established, and may contract with Ontario Hydro for the transmission and supply to the commission of power to be distributed and sold within the municipality without electoral assent or other approval or authorization and such a contract shall be deemed to be an agreement within the meaning of clause 149 (2) (s) of the *Municipal Act*.

R.S.O. 1980,
c. 302

Where
Ontario
Hydro to
continue to
supply power

(3) Subject to subsections (17) and (18), Ontario Hydro shall continue to distribute and supply power in those areas of the towns of Grimsby, Lincoln, Niagara-on-the-Lake and Pelham and the Township of West Lincoln that Ontario Hydro served immediately before the 14th day of June, 1979 and subsections (10) and (12) and section 97 do not apply in respect of the assets and employees of Ontario Hydro in those municipalities.

Fort Erie

(4) The Canadian Niagara Power Company Limited has the sole right to distribute and supply power within the Town of Fort Erie on the same terms and conditions and for the same period of time as under the franchise granted by

by-law number 783 passed by the council of the Town of Fort Erie on the 18th day of March, 1935.

(5) Except where inconsistent with the provisions of this Part, the provisions of the *Power Corporation Act* applicable to a municipal corporation that has entered into a contract with Ontario Hydro for the distribution and supply of power to the municipal corporation apply to the commissions.

Application of
R.S.O. 1980,
c. 384

(6) With the consent of a commission, Ontario Hydro may distribute and supply power directly to customers within the area municipality in respect of which the commission is established.

Direct
customers

(7) On the 1st day of January, 1980, all assets under the control and management of and all liabilities of municipal commissions are, without compensation, assets under the control and management of and liabilities of the commission established in respect of the municipality.

Transfer of
assets and
liabilities

(8) Notwithstanding subsection (7), on or before the 1st day of January, 1980, the Niagara Falls Hydro-Electric Commission shall purchase from the Canadian Niagara Power Company Limited the assets pertaining to the distribution and supply of power other than at 25 hertz in that portion of the City of Niagara Falls supplied with power by the Canadian Niagara Power Company Limited immediately before the 14th day of June, 1979, and the purchase price shall be determined by agreement between them.

Compensation by
Niagara Falls
Hydro-Electric
Commission

(9) Such management and control of works for the distribution and supply of power within the area municipalities mentioned in subsection 92 (1) as are exercised by municipal commissions and Ontario Hydro immediately before the 14th day of June, 1979, remain entrusted to them to and including the 31st day of December, 1979, but any of the assets, powers and responsibilities of the commissions and Ontario Hydro pertaining to the distribution and supply of power in any of the area municipalities may by agreement be transferred before that date to a commission established in respect of the area municipality.

Transitional

(10) Except as may be agreed by a commission and Ontario Hydro for the purposes of subsection (6) or otherwise, on or before the 1st day of January, 1980, each commission shall purchase, on behalf of the area municipality served by the commission, the assets and liabilities of Ontario Hydro pertaining to the distribution and supply of power at retail within the area municipality, including equipment leased by Ontario Hydro to retail customers within the area municipality for the use of such power and the purchase price shall be determined in accordance with the regulations, and shall be equal to the original cost of the assets less the sum of,

Purchase
of retail
distribution
facilities

- (a) the accumulated net retail equity of the customers supplied with power through the assets; and
- (b) the accumulated depreciation associated with the assets.

Idem

(11) On or before the 1st day of January, 1980, the Canadian Niagara Power Company Limited shall purchase the assets and liabilities of Ontario Hydro pertaining to the retail distribution of power within the Town of Fort Erie, including equipment leased by Ontario Hydro to retail customers within the Town of Fort Erie, and the purchase price shall be determined by agreement between them.

Where price
to be
determined by
arbitration

(12) If the purchase price under subsection (8), (10) or (11) is not determined before the 1st day of January, 1981, either of the parties at any time thereafter may request that the purchase price be determined either by a single arbitrator agreed on by the parties or by a board of arbitration.

Where parties
unable to
agree on
single
arbitrator

(13) Where a request is made under subsection (12) for a determination by a single arbitrator and the parties are unable to agree on an arbitrator within thirty days after the making of the request, either of the parties may request that the purchase price be determined by a board of arbitration.

Arbitration
board

(14) Where a request is made under subsection (12) or (13) that the purchase price be determined by a board of arbitration,

- (a) within fourteen days after the request, each party to the arbitration shall appoint a person as a member of the board of arbitration and shall give notice to the other party of the name and address of the person;
- (b) the two members of the board of arbitration, within ten days after the giving of the notice of appointment of the second of them, shall appoint a third person to be chairman of the board of arbitration and the chairman shall give notice of his appointment to the parties; and
- (c) if a party fails to appoint a member to a board of arbitration in accordance with clause (a) or if the members do not appoint a chairman in accordance with clause (b) or in the event of the absence or inability to act or of a vacancy in the office of a

member or the chairman of a board of arbitration, either party may apply on notice to the other party to the Divisional Court and the court may appoint the member or chairman.

(15) Except as otherwise provided in this subsection, the *Arbitrations Act* applies to subsections (12), (13) and (14). Application of R.S.O. 1980, c. 25

(16) In subsections (12), (13) and (14), "parties" means, Interpretation

(a) in respect of subsection (8), Canadian Niagara Power Company Limited and Niagara Falls Hydro-Electric Commission;

(b) in respect of subsection (10), Ontario Hydro and, in each case, the commission continued under section 92; and

(c) in respect of subsection (11), the Canadian Niagara Power Company Limited and Ontario Hydro.

(17) The council of each of the towns of Grimsby, Lincoln, Niagara-on-the-Lake and Pelham and the Township of West Lincoln, with the consent of Ontario Hydro and without the assent of the municipal electors, by by-law, Supply of power in all areas of municipalities of Grimsby, Lincoln, Niagara-on-the-Lake, Pelham, West Lincoln

(a) may direct the commission established in respect of the municipality to commence on a day specified by the by-law the distribution and supply of power in all areas of the municipality and on the specified day subsections (10) and (12) to (16) and section 97 shall apply with necessary modifications to the assets and employees of Ontario Hydro in the municipality; or

(b) may dissolve the commission established in respect of the municipality on a day specified by the by-law and on the specified day,

(i) all assets under the control and management of and all liabilities of the commission, and all debentures issued in respect of the distribution and supply of power in the municipality are, without compensation, assets and liabilities of Ontario Hydro, and

(ii) Ontario Hydro shall commence to distribute and supply power in all areas of the municipality.

Review of
distribution
and supply
of power

(18) Until such time as the power conferred by subsection (17) has been exercised,

- (a) the council of each of the towns of Grimsby, Lincoln, Niagara-on-the-Lake and Pelham and the Township of West Lincoln shall review the distribution and supply of power within their respective municipalities at least once in every three years and shall determine by resolution whether or not it is financially feasible to exercise the power conferred by subsection (17); and
- (b) where the council of the town of Grimsby, Lincoln, Niagara-on-the-Lake or Pelham or the Township of West Lincoln determines as provided in clause (a) that it is financially feasible for the commission established in respect of the municipality to distribute and supply power in the entire municipality, the council, subject to the approval of Ontario Hydro, shall exercise the power conferred by subsection (17). 1979, c. 33, s. 4.

Vesting
of real
property

95.—(1) All real property transferred by section 94 to the control and management of a commission or otherwise acquired by or for the commission shall be held by the commission in trust for the area municipality served by the commission.

Disposition
of real
property

(2) Where a commission is of the opinion, and so declares by resolution, that any real property under its control and management is not required for its purposes, unless otherwise agreed upon by the commission and the area municipality served by the commission, the real property may be disposed of as follows:

1. In the event that the area municipality served by the commission wishes in good faith to use the real property for a municipal purpose, it shall compensate the commission for the real property at its actual cost, less accrued depreciation as shown on the books of the commission or the assessed value of the real property, whichever is the greater, and when the area municipality in good faith no longer wishes to use the real property for a municipal purpose, the area municipality may sell, lease or otherwise dispose of the real property without the assent of Ontario Hydro and may retain the proceeds of the sale, lease or disposition as municipal funds.
2. In the event that the municipality served by the commission does not wish to use the real property in accordance with paragraph 1, the commission

shall, as soon as practicable, sell, lease or otherwise dispose of the real property at fair market value on behalf of the municipality and the net proceeds derived from the sale, lease or other disposition of the real property or the compensation paid therefor under this subsection shall be received by the commission and shall be applied in accordance with the *Public Utilities Act*. 1979, c. 33, s. 5.

R.S.O. 1980,
c. 423

96. Except as otherwise provided in this Part, sections 138 to 160 apply, with necessary modifications, to any borrowing for the purposes of a commission. 1979, c. 33, s. 6. Borrowing

97.—(1) In this section, “transfer date”, when used in respect of an employee of a municipal commission or Ontario Hydro, means the date on which a commission assumes liability for the payment of the wages or salary of the employee. Interpretation

(2) On or before the 31st day of December, 1979, each municipal commission that supplied power in an area municipality mentioned in subsection 92 (1) immediately before the 14th day of June, 1979 and Ontario Hydro shall designate those of its full-time employees who were employed in the distribution and supply of power in an area municipality mentioned in subsection 92 (1) on the 1st day of January, 1979, and who continued such employment until the 31st day of December, 1979 or until their transfer dates, as the case may be, and each commission shall offer employment to the employees designated in respect of the area municipality served by the commission. Transfer of employees

(3) A person who accepts employment under this section is entitled to receive, for a period of one year commencing on the transfer date, a wage or salary not less than the wage or salary he was receiving on the day nine months before the transfer date. Wages or salaries

(4) Each commission shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the 14th day of June, 1979, and a person who accepts employment under this section shall be deemed to continue or to become a member of the System, as the case requires, on his transfer date, and the *Ontario Municipal Employees Retirement System Act* applies to such person as a member of the System. Participation in O.M.E.R.S.

R.S.O. 1980,
c. 348

(5) When a person who accepts employment under this section with a commission is entitled immediately before his transfer date to the benefit of a supplementary agreement between the Ontario Municipal Employees Retirement Board and a municipal commission that, immediately before the 14th day of Supplementary agreements

June, 1979, supplied power in an area municipality mentioned in subsection 92 (1), the commission shall assume, in respect of the person, all rights and obligations under the supplementary agreement as if the commission had been a party to the agreement in the place of the municipal commission.

Transfer
of pension
credits from
Ontario
Hydro Plan

(6) Where a person who accepts employment under this section is a contributor to The Pension and Insurance Fund of Ontario Hydro immediately before his transfer date, the present value of the pension earned by the person in The Pension and Insurance Fund of Ontario Hydro at the transfer date or the contributions of the person in the Fund with interest accumulated and credited to the person in the Fund, whichever is the greater, shall be transferred to the Ontario Municipal Employees Retirement Fund and the person shall be given credit in the Ontario Municipal Employees Retirement System for a period of service equal to the period of service for which he was given credit in The Ontario Hydro Pension and Insurance Plan.

Pension
guarantee

(7) Notwithstanding subsection (4), a person who accepts employment under this section with a commission and who,

- (a) was employed by Ontario Hydro immediately before his transfer date; and
- (b) continues in the employment of the commission until he or his beneficiary becomes entitled to a pension benefit,

is entitled to at least the pension benefit he would have been entitled to under The Ontario Hydro Pension and Insurance Plan if his years of continuous service with the commission had been additional years of continuous service with Ontario Hydro and if there had been no change in the Plan after the 31st day of December, 1979, calculated on the basis of the wage or salary paid to the person by Ontario Hydro and the commission, and the cost, if any, of the pension benefit over the cost of the pension benefit to which the person is entitled under subsection (4) shall be apportioned and paid as provided by the regulations.

Group life
insurance

(8) A person who accepts employment under this section is entitled as a term of his employment to continue as a member of the group life insurance plan in which he was a member with his former employer until the effective date of a common group life insurance plan covering all eligible employees of his new employer.

Idem

(9) On or before the 31st day of December, 1981, each commission shall provide a common group life insurance plan

covering all of the eligible employees of the commission, and the plan shall provide to any person accepting employment under this section, by option or otherwise, insurance coverage not inferior to the insurance coverage to which the person was entitled immediately before his transfer date.

(10) A person who accepts employment under this section shall continue to enjoy the rights and benefits of sick leave entitlements or sick leave insurance provided by his former employer immediately before the transfer date until the new employer establishes a sick leave entitlement plan or sick leave insurance plan, and thereupon the person shall receive allowance or credit for any accrued sick leave rights or benefits. Sick leave

(11) Each commission shall continue the provision of life insurance to pensioners formerly employed by a municipal commission in the distribution and supply of power in the area municipality served by the commission. Life insurance provided to pensioners

(12) Nothing in this section prevents an employer from terminating the employment of an employee for cause. Termination for cause

(13) Where, in the opinion of the Minister, a person who is designated or who accepts employment under this section experiences any difficulty or hardship with regard to life insurance benefits, pension rights, pension benefits or sick leave rights or benefits, the Minister by order may do anything necessary to remedy or alleviate such difficulty or hardship. 1979, c. 33, s. 7. Special circumstances

98. For the purposes of section 174 of *The Regional Municipality of Niagara Act*, being chapter 406 of the Revised Statutes of Ontario, 1970, the 1st day of January, 1980 is the date determined by the Minister in respect of the Regional Area, and on that date the municipal commissions supplying only electrical power and energy in that area immediately before the 14th day of June, 1979 are dissolved and the by-laws establishing them passed under sections 37 and 39 of the *Public Utilities Act* shall be deemed to be repealed and the assent of the municipal electors is not required. 1979, c. 33, s. 8. Dissolution of existing commissions R.S.O. 1970, c. 406 R.S.O. 1980, c. 423

99. The Lieutenant Governor in Council may make regulations, Regulations

(a) for the purpose of subsection 94 (10) in respect of,

- (i) the method of determining the original cost of the assets or of any asset or of any part of any asset,

- (ii) the allocation of the original cost of the assets or of any asset or of any part of any asset,
 - (iii) the method of determining the amount of any component of the accumulated net retail equity,
 - (iv) the allocation of the accumulated net retail equity or any component of the accumulated net retail equity,
 - (v) the method of calculating accumulated depreciation of any component of accumulated depreciation,
 - (vi) the allocation of accumulated depreciation or any component of accumulated depreciation,
 - (vii) the method of payment of the price of the assets;
- (b) for the purposes of subsection 97 (7), in respect of the apportionment of the excess cost of any benefit referred to in the subsection and the payment of the excess cost or any part thereof. 1979, c. 33, s. 9.

PART VII

PLANNING

Planning
area

R.S.O. 1980,
c. 379

100.—(1) The Regional Area is continued as a joint planning area under the *Planning Act*, known as the Niagara Planning Area. R.S.O. 1970, c. 406, s. 91 (1).

Designated
municipality

(2) The Regional Corporation is the designated municipality within the meaning of the *Planning Act* for the purposes of the Niagara Planning Area and each area municipality is the designated municipality within the meaning of the *Planning Act* for the purposes of the subsidiary planning area it constitutes. 1978, c. 33, s. 20.

Planning
areas
dissolved

(3) All planning areas and subsidiary planning areas that are included in the Niagara Planning Area together with the boards thereof are dissolved on the 31st day of December, 1969.

(4) Each area municipality is constituted a subsidiary planning area effective the 1st day of January, 1970, and each council thereof shall be the planning board.

Area municipalities
subsidiary
planning
areas

(5) Nothing in subsections (3) and (4) affects any official plan in effect in any part of the Regional Area.

Proviso

(6) When the Minister of Housing has approved an official plan adopted by the Regional Council,

Effect of
official
plan

(a) every official plan and every by-law passed under section 39 of the *Planning Act* or a predecessor thereof then in effect in the planning area affected thereby shall be amended forthwith to conform therewith;

R.S.O. 1980,
c. 379

(b) no official plan of a subsidiary planning area shall be approved that does not conform therewith.
R.S.O. 1970, c. 406, s. 91 (3-6).

101.—(1) The Regional Council shall investigate and survey the physical, social and economic conditions in relation to the development of the Niagara Planning Area and may perform such other duties of a planning nature as may be referred to it by any council having jurisdiction in the Planning Area, and without limiting the generality of the foregoing it shall,

Planning
duties of
Regional
Council

(a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the Planning Area;

(b) hold public meetings and publish information for the purpose of obtaining the participation and co-operation of the inhabitants of the Planning Area in determining the solution of problems or matters affecting the development of the Planning Area; and

(c) consult with any local board having jurisdiction within the Planning Area.

(2) The Regional Council, before the 31st day of December, 1973, shall prepare, adopt and forward to the Minister of Housing for approval an official plan for the Regional Area.

Official
plan

(3) The Regional Council shall appoint such planning staff as may be considered necessary.

Appoint-
ment of
planning
staff

(4) The Regional Council may appoint such planning committees as it considers necessary. R.S.O. 1970, c. 406, s. 92 (1-4).

Appoint-
ment of
committees

Regional
Corporation
deemed
municipality
under
R.S.O. 1980,
c. 379

(5) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a planning board for the purposes of section 1, subsections 2 (4), (6) and (7), sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26, 27, subsection 29 (25), sections 36, 50 and 51 of the *Planning Act*, and where the Regional Council meets in respect of matters pertaining to planning for the purposes aforesaid, no separate meeting of the Council as a planning board is required. 1978, c. 33, s. 21.

Idem

(6) The Regional Council shall be deemed to be a county for the purposes of section 47 of the *Planning Act*.

Agreements
re plans of
subdivision

(7) The Regional Corporation may enter into agreements with area municipalities or persons relating to approval of plans of subdivision.

Agreements
re special
studies

(8) The Regional Corporation, with the approval of the Minister of Housing, may enter into agreements with any governmental authority or any agency thereof created by statute for the carrying out of studies relating to the Niagara Planning Area or any part thereof. R.S.O. 1970, c. 406, s. 92 (6-8).

Committees
of
adjustment

(9) All committees of adjustment theretofore constituted by the council of a local municipality in the Niagara Planning Area are dissolved on the 31st day of December, 1969, and the council of each area municipality shall by by-law constitute and appoint a committee of adjustment under section 48 of the *Planning Act*. R.S.O. 1970, c. 406, s. 92 (10).

No power in
committees
of adjust-
ment to
grant
consents

102.—(1) On and after the 1st day of February, 1974, no committee of adjustment established by any area municipality has authority to grant consents referred to in section 29 of the *Planning Act*, and all such powers shall be exercised by the land division committee established by the Regional Council.

Land
division
committee

(2) On or before the 1st day of February, 1974, the Regional Council shall, without notice from the Minister of Housing, constitute and appoint a land division committee composed of such persons not fewer than three in number as the Regional Council considers advisable, to grant consents referred to in section 29 of the *Planning Act*.

Land
division
committee
to stand in
place of
committees of
adjustment
for certain
purposes

(3) The land division committee referred to in subsection (2) stands in the place and stead of any committee of adjustment established by an area municipality for the purpose of completing the disposition of any application for a consent that may have been pending before any such com-

mittee and that is not finally disposed of on or before the 31st day of January, 1974.

(4) The land division committee in considering an application to grant consents shall seek the opinion of the council of the area municipality in which the land for the application is situate. 1973, c. 158, s. 3. Committee to consult with council

103. Except as provided in this Part, the provisions of the *Planning Act* apply. R.S.O. 1970, c. 406, s. 93. Application of R.S.O. 1980, c. 379

PART VIII

HEALTH AND WELFARE SERVICES

104.—(1) The Regional Corporation shall be deemed to be a city for all the purposes of the provisions of the *Public Hospitals Act* and the *Private Hospitals Act* respecting hospitalization and burial of indigent persons and their dependants, and no area municipality has any liability under such provisions. Liability for hospitalization of indigents R.S.O. 1980, cc. 410, 389

(2) The Regional Corporation is liable for the hospitalization and burial, after the 31st day of December, 1969, of an indigent person or his dependant who was in hospital on the 31st day of December, 1969, and in respect of whom any local municipality within the Regional Area, the County of Lincoln, or the County of Welland was liable because the indigent person was a resident of such local municipality, the County of Lincoln or the County of Welland. Existing liabilities transferred

(3) Nothing in subsection (2) relieves any such local municipality from any liability in respect of hospitalization or burials before the 1st day of January, 1970. R.S.O. 1970, c. 406, s. 94. Proviso

105. The Regional Council may pass by-laws for granting aid for the construction, erection, establishment, acquisitions, maintenance, equipping and carrying on the business of public hospitals including municipal hospitals, public sanatoria, municipal isolation hospitals and other health care facilities in the Regional Area and may issue debentures therefor. R.S.O. 1970, c. 406, s. 95. Aid to hospitals

106.—(1) On and after the 1st day of January, 1970, the Regional Area shall be a health unit established under the *Public Health Act* and, subject to this Part, the provisions of such Act apply. Regional Area deemed health unit R.S.O. 1980, c. 409

**Dissolution
of Niagara
District
Health Unit**

(2) The Niagara District Health Unit is dissolved on the 1st day of January, 1970, and all the assets and liabilities thereof become assets and liabilities of the board of health of the health unit of the Regional Area.

**Boundaries
fixed**

(3) Notwithstanding the provisions of any other Act, the boundaries of the health unit of the Regional Area shall not be altered except by order of the Minister of Health. R.S.O. 1970, c. 406, s. 96.

**Constitution
of health
board**

107.—(1) On and after the 1st day of January, 1970, the board of health of the health unit established under section 106 shall be composed of,

- (a) seven members of the Regional Council appointed by the Regional Council; and
- (b) not more than three persons appointed by the Lieutenant Governor in Council upon the recommendation of the Minister of Health. R.S.O. 1970, c. 406, s. 97 (1).

**Expenses
of board**

(2) Notwithstanding the provisions of any other Act, the expenses incurred by the health unit in establishing and maintaining the health unit and performing its functions under the *Public Health Act* or any other Act shall be accounted for, borne and paid by the Regional Corporation. R.S.O. 1970, c. 406, s. 97 (3).

R.S.O. 1980,
c. 409

**Regional
Corporation
deemed city
under
R.S.O. 1980,
cc. 21, 263,
463, 527**

108.—(1) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a city and no area municipality shall be deemed to be a municipality:

- 1. *Anatomy Act.*
- 2. *Mental Hospitals Act.*
- 3. *Sanatoria for Consumptives Act.*
- 4. *War Veterans Burial Act.*

**Regional
Corporation
deemed
county
under
R.S.O. 1980,
cc. 111, 188,
200**

(2) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a county and no area municipality shall be deemed to be a municipality:

- 1. *Day Nurseries Act.*
- 2. *General Welfare Assistance Act.*
- 3. *Homemakers and Nurses Services Act.* 1975, c. 46, s. 8.

109. The Regional Corporation shall be deemed to be a city for the purposes of the *Homes for the Aged and Rest Homes Act*, and no area municipality has any authority as to the establishment, erection and maintenance of a home for the aged under such Act. R.S.O. 1970, c. 406, s. 99 (1).

Liability
respecting
homes for
the aged
R.S.O. 1980,
c. 203

110.—(1) The home for the aged established, erected and maintained jointly by the City of St. Catharines and the County of Lincoln, known as Linhaven Home for the Aged, and all real and personal property used for the purposes of such home, are vested in the Regional Corporation on the 1st day of January, 1970, and, subject to subsection (3), no compensation or damages shall be paid to the City in respect thereof.

Linhaven
Home
vested in
Regional
Corporation

(2) The home for the aged, known as Sunset Haven Home for Senior Citizens, and the rest home, known as Northland Manor, established, erected and maintained jointly by the City of Niagara Falls, the City of Welland, the City of Port Colborne and the County of Welland, and all real and personal property used for the purposes of such homes, are vested in the Regional Corporation on the 1st day of January, 1970, and, subject to subsection (3), no compensation or damages shall be paid to such cities in respect thereof.

Sunset
Haven and
Northland
Manor
vested in
Regional
Corporation

(3) The Regional Corporation shall pay to any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the homes referred to in subsections (1) and (2). R.S.O. 1970, c. 406, s. 100 (1-3).

Existing
debt

(4) If the Regional Corporation fails to make any payment as required by subsection (3), interest shall be payable thereon at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines from the date payment is due until it is made. 1979, c. 81, s. 27.

Default

(5) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of a home referred to in subsections (1) and (2), the Municipal Board, upon application, may determine the matter and its decision is final. R.S.O. 1970, c. 406, s. 100 (5).

Settling
of doubts

111. No area municipality shall be deemed to be a municipality for the purposes of the *Child Welfare Act*. R.S.O. 1970, c. 406, s. 101.

Area
municipality
not deemed
municipality
under
R.S.O. 1980,
c. 66

112. Where an order is made under subsection 20 (2) of the *Juvenile Delinquents Act* (Canada) upon an area municipality, such order shall be deemed to be an order upon the Region-

Liability
under order
made under
R.S.C. 1970,
c. J-3

al Corporation, and the sums of money required to be paid under such order shall be paid by the Regional Corporation and not by the area municipality. R.S.O. 1970, c. 406, s. 103.

Information

113. Every area municipality and every officer or employee thereof shall, at the request of the officers of the Regional Corporation who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Part. R.S.O. 1970, c. 406, s. 104.

Adjustments

114. In the event that there is any doubt as to whether the Regional Corporation is liable under this Part in respect of the liabilities imposed herein, the matter may be settled by agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board. R.S.O. 1970, c. 406, s. 105.

Grants, etc.,
to approved
corporations
under
R.S.O. 1980,
c. 201

115.—(1) The Regional Corporation may grant aid to approved corporations established under the *Homes for Retarded Persons Act*, and may enter into agreements with any of such corporations with respect to the construction, operation and maintenance of homes for retarded persons.

Existing
agreements
1968, c. 182

(2) All rights and obligations of the municipalities that are parties to any agreement entered into under *The County of Welland Act, 1968* are hereby assumed by the Regional Corporation and no area municipality shall hereafter have any rights or obligations under any such agreement. R.S.O. 1970, c. 406, s. 106.

PART IX

POLICE

Interpre-
tation

116. In this Part, "Niagara Police Board" means the Niagara Regional Board of Commissioners of Police. R.S.O. 1970, c. 406, s. 107.

Niagara
Regional
Board
continued

117.—(1) The board of commissioners of police known as the Niagara Regional Board of Commissioners of Police is continued and shall consist of,

(a) two members of the Regional Council appointed by resolution of the Regional Council;

(b) a judge of the county court of the Judicial District of Niagara North or the Judicial District of

Niagara South designated by the Lieutenant Governor in Council; and

- (c) two persons appointed by the Lieutenant Governor in Council.

(2) Three members of the Niagara Police Board, including a member appointed by the Regional Council, are necessary to form a quorum. R.S.O. 1970, c. 406, s. 109 (1, 2).

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under the *Police Act*, to members of the Niagara Police Board appointed by the Lieutenant Governor in Council. 1978, c. 33, s. 23.

118.—(1) On and after the 1st day of January, 1971,

Regional
Corporation
deemed city
under
R.S.O. 1980,
c. 381

- (a) the Regional Corporation shall be deemed to be a city having a population of more than 15,000 according to the last municipal census for the purposes of the *Police Act*, except subsections 8 (1) to (4) thereof;

- (b) the *Police Act*, except section 70, does not apply to any area municipality; and

- (c) the Niagara Police Board and the members of the Niagara Regional Police Force shall be charged with the same duties with respect to by-laws of the area municipalities as with respect to by-laws of the Regional Corporation. 1971, c. 77, s. 2, *part*; 1978, c. 33, s. 24.

(2) The fines imposed for the contravention of the by-laws of any area municipality shall, where prosecuted by the Niagara Regional Police Force, belong to the Regional Corporation and, where prosecuted by any other person, belong to the area municipality whose by-law has been contravened. 1971, c. 77, s. 2, *part*.

Application
of fines

119.—(1) The area municipality may pay the amounts chargeable to it in each year for the expenses of the Niagara Police Board in respect of maintaining, operating and administering the Niagara Regional Police Force under section 128, out of its general funds or, subject to the approval of the Ontario Police Commission, by levying rates that are different between areas defined by the council or by levying rates in one or more such areas only.

Rates for
expenses of
Niagara
Police
Board

Farm lands

(2) Subject to the approval of the Ontario Police Commission, the council of an area municipality may grant entire or partial exemption from any rate or rates levied under subsection (1) to lands and buildings used exclusively for farming purposes. 1971, c. 77, s. 3, *part.*

Area police force

120.—(1) Every person who is a member of a police force of a local municipality within the Regional Area on the 1st day of July, 1969, and continues to be a member until immediately before the 1st day of January, 1970, shall, on the 1st day of January, 1970, become a member of the police force of the area municipality that includes the local municipality, and the provisions of subsections 24 (5) and (11) apply to such members. R.S.O. 1970, c. 406, s. 112 (1); 1973, c. 158, s. 4.

Niagara Regional Police Force

(2) Every person who is a member of a police force of an area municipality on the 31st day of December, 1970, becomes a member of the Niagara Regional Police Force on the 1st day of January, 1971, and is subject to the government of the Niagara Police Board to the same extent as if appointed by the Niagara Police Board. R.S.O. 1970, c. 406, s. 112 (2).

Terms of employment

(3) Every person who becomes a member of the Niagara Regional Police Force under subsection (2) shall,

- (a) be deemed to have elected to participate in the Ontario Municipal Employees Retirement System if he was a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment by the Niagara Police Board and such member shall have uninterrupted membership in the Ontario Municipal Employees Retirement System;
- (b) with the exception of civilian employees and assistants, be retired on the last day of the month in which the member attains the age of sixty years;
- (c) have credited to him in the Niagara Regional Police Force the number of years of service that he had in the police force of the local municipality of which he was a member on the 31st day of December, 1969, together with his year of service in the police force of the area municipality;

(d) receive such sick leave credits in the sick leave credit plan which shall be established by the Niagara Police Board as he had standing to his credit in the plan of the area municipality; and

(e) not be assigned without his consent to serve on a permanent basis at a location in the Regional Area more than 8.05 kilometres distant from the area municipality in which he was formerly employed, provided that he was a permanent member of the police force of a local municipality in the Regional Area before the 1st day of July, 1969. R.S.O. 1970, c. 406, s. 112 (3); 1973, c. 54, s. 6 (2); 1978, c. 87, s. 51 (4).

(4) Every civilian employee and assistant of the Niagara Regional Police Force shall be retired on the last day of the month in which he attains the age of sixty-five years. Retirement of civilians

(5) Section 100 of the *Municipal Act* applies with necessary modifications to the Niagara Police Board. 1973, c. 54, s. 6 (3). Application of R.S.O. 1980, c. 302, s. 100

121. Before the 1st day of February, 1970, the members of the police forces of all area municipalities shall appoint a joint bargaining committee to represent all police forces in the area municipalities to bargain with the Niagara Police Board in the manner and for the purposes provided in *The Police Act*, and the Niagara Police Board shall be the sole negotiating body to bargain with such committee. R.S.O. 1970, c. 406, s. 113. Bargaining

122.—(1) The Regional Council shall, before the 1st day of January, 1971, pass by-laws which shall be effective on such date assuming for the use of the Niagara Police Board any such land or building that the Niagara Police Board may require that is vested on the 1st day of July, 1970, in any area municipality or local board thereof, and at least 40 per cent of which is used on such date for the purposes of the police force of that area municipality, and on the day any such by-law becomes effective the property designated therein vests in the Regional Corporation. Assumption of buildings

(2) No area municipality, before the 1st day of January, 1971, shall without the consent of the Niagara Police Board sell, lease or otherwise dispose of or encumber any land or building mentioned in subsection (1). Sale by area municipalities limited

(3) Notwithstanding subsection (1), a by-law for assuming any land or building mentioned in subsection (1), with the approval of the Municipal Board, may be passed after the 1st day of January, 1971, and in that case Extension of time

the by-law shall become effective on the date provided therein.

Building
not used
exclusively
for police
force

(4) Where any part of a building mentioned in subsection (1) is used by the area municipality or a local board thereof for other than police purposes, the Regional Corporation may,

- (a) where practicable assume only the part of the building and land appurtenant thereto used for the purposes of the police force of the area municipality; or
- (b) vest the building and land appurtenant thereto in the Regional Corporation and enter into an agreement with the area municipality or local board thereof for the use of a part of the building by the area municipality or local board on such terms and conditions as may be agreed upon.

Regional
Corporation
liability

(5) Where the Regional Corporation assumes any property under subsection (1) or (3),

- (a) no compensation or damage shall be payable to the area municipality or local board except as provided in this subsection;
- (b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any property vested in the Regional Corporation;
- (c) the Regional Corporation shall thereafter pay to the area municipality for the portion of any land or building vested in the Regional Corporation under this section that is not used for police purposes on the 1st day of July, 1970, such amount as may be agreed upon and failing agreement the Municipal Board, upon application, may determine the amount, and its decision is final, provided such amount shall not be greater than the capital expenditure for such portion of such land or building less the amount of any outstanding debt in respect of such portion. R.S.O. 1970, c. 406, s. 114 (1-5).

Default

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause (5) (b), the area municipality may charge the Regional Corporation interest at the rate of 15 per

cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 28.

(7) Where a building vested in an area municipality or local board is used partly by the police force of the area municipality and is not vested in the Regional Corporation under this section, the area municipality at the request of the Niagara Police Board shall provide, at such rental as may be agreed upon, at least as much accommodation in such building for the use of the Niagara Police Board as was being provided by the area municipality for its police force on the 1st day of July, 1970, and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final. ^{Accommodation}

(8) At the request of the Niagara Police Board, each area municipality, for the use of the Niagara Police Board, ^{Office supplies, etc.}

(a) shall transfer to the Regional Corporation without compensation all personal property, including office supplies and stationery in the possession of the area municipality on the 1st day of January, 1971, that was provided for the exclusive use of the police force of the area municipality; and

(b) shall make available to the Regional Corporation all personal property the use of which was shared by the police force and any department or departments of the area municipality on the 1st day of January, 1971, on the same terms and to the same extent as the police force used the property before such date.

(9) No area municipality, without the consent of the Niagara Police Board, shall dispose of any personal property referred to in subsection (8) owned by the area municipality on the 1st day of July, 1970 or thereafter. ^{Disposal of personal property}

(10) All signal and communication systems owned by any area municipality and used for the purposes of the police force of the area municipality on the 1st day of July, 1970, or thereafter are vested in the Regional Corporation for the use of the Niagara Police Board on the 1st day of January, 1971, and no compensation shall be payable to the area municipality therefor and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system. ^{Signal system transferred}

Settling of
doubts

(11) In the event of any doubt as to whether,

- (a) any outstanding debt or portion thereof was incurred in respect of any property assumed; or
- (b) any land or building is used at least 40 per cent for the purposes of a police force,

the Municipal Board, upon application, may determine the matter and its decision is final. R.S.O. 1970, c. 406, s. 114 (7-11).

Property
to be
provided

123. The Regional Corporation shall provide all real and personal property necessary for the purposes of the Niagara Police Board. R.S.O. 1970, c. 406, s. 115.

Application of
R.S.O. 1980,
c. 302, ss. 227,
228 to area
municipalities

124.—(1) Notwithstanding subsection 180 (4), the provisions of paragraphs 1 and 6 of section 227 and section 228 of the *Municipal Act* do not apply to any area municipality.

By-laws by
Niagara
Police
Board

(2) The Niagara Police Board may pass by-laws applicable to one or more area municipalities:

Teamsters,
cab owners
and drivers,
etc.

1. For licensing, regulating and governing teamsters, carters, draymen, owners and drivers of cabs, buses, motor or other vehicles used for hire or any class or classes thereof; for establishing the rates or fares to be charged by the owners or drivers of such vehicles for the conveyance of goods or passengers either wholly within an area municipality or to any point not more than three miles beyond its limits, and for providing for the collection of such rates or fares; for limiting the number of cabs, buses, motor or other vehicles used for hire, or any class or classes thereof, and for revoking any such licence.

Insurance
for teamsters,
cab owners,
etc.

2. For requiring any or all persons mentioned in paragraph 1 to provide public liability, property damage, cargo or other insurance in the form and to the amounts of coverage prescribed in the by-law and, providing that where such insurance is not so provided, the Niagara Police Board may refuse, refuse to renew or revoke any licence issued under paragraph 1.

Taxi-cab
brokers

3. For licensing, regulating and governing taxi-cab brokers and for revoking any such licence and for requiring taxi-cab brokers to provide public

liability, property damage, cargo or other insurance in the form and to the amounts of coverage prescribed in the by-law in respect of each taxi-cab operated in association with such broker and, providing that where such insurance is not so provided, the Niagara Police Board may refuse, refuse to renew or revoke any such licence.

- (a) In this paragraph, "taxi-cab broker" means any person who accepts calls in any manner for taxi-cabs that are used for hire and that are owned by persons other than himself, his immediate family or his employer.
4. For licensing, regulating and governing salvage shops, salvage yards, second-hand goods shops and dealers in second-hand goods, and for revoking any such licence. ^{Salvage shops, etc.}

(a) In this paragraph,

- (i) "dealers in second-hand goods" includes persons who go from house to house or along highways for the purpose of collecting, purchasing or obtaining second-hand goods,
- (ii) "salvage yard" includes an automobile wrecking yard or premises,
- (iii) "second-hand goods" includes waste paper, rags, bones, bottles, bicycles, automobile tires, old metal and other scrap material and salvage.
- (b) The by-law may apply to and require every person using a vehicle for any of the purposes mentioned in this paragraph, either on his account or as the agent or servant of another person, to take out a licence.
- (c) The power of licensing does not apply to persons engaged in any of the objects mentioned in this paragraph for patriotic or charitable purposes.
- (d) The fee to be paid for the licence shall not exceed \$20 for one year.
- (e) Any licence issued under this paragraph may be issued to authorize the licensee to deal in one class only of second-hand

goods or in more than one class as may be specified in the licence, and such licensee is not entitled to deal in any class of second-hand goods not covered by his licence.

Licence fees payable to Regional Corporation

(3) All licence fees payable under any by-law enacted under subsection (2) are payable to the Regional Corporation. 1971, c. 77, s. 4.

PART X

FINANCES

Interpretation
R.S.O. 1980,
c. 31

125.—(1) In this Part, “rateable property” includes business and other assessment made under the *Assessment Act*. R.S.O. 1970, c. 406, s. 116.

Idem

(2) In sections 128, 129 and 131, “Ministry” means the Ministry of Revenue. 1972, c. 51, s. 9; 1972, c. 1, s. 1.

Investment of moneys not immediately required

126.—(1) Section 169 of the *Municipal Act* applies with necessary modifications to the Regional Corporation. R.S.O. 1970, c. 406, s. 117.

R.S.O. 1980,
c. 102
Deemed municipality for purposes of
R.S.O. 1980,
c. 102

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of section 35 of the *Credit Unions and Caisses Populaires Act*. 1979, c. 81, s. 29.

YEARLY ESTIMATES AND LEVIES

Yearly estimates.

127.—(1) The Regional Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the Regional Corporation, including the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Ministry may from time to time prescribe. R.S.O. 1970, c. 406, s. 118 (1); 1972, c. 1, s. 1.

Allowance to be made in estimates

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and amount as the Ministry may approve but shall not make any allowance for payments to be received during the current year under section 2 of the *Ontario Unconditional Grants Act*. R.S.O. 1970, c. 406, s. 118 (2); 1972, c. 1, s. 1.

R.S.O. 1980,
c. 359

Application of
R.S.O. 1980,
c. 31, 302

(3) Section 33 of the *Assessment Act* and section 465 of the *Municipal Act* apply with necessary modifications to the Regional Corporation. 1972, c. 51, s. 10, *part*.

128.—(1) The Regional Council in each year shall levy ^{Levy on area municipalities} against the area municipalities a sum sufficient,

- (a) for payment of the estimated current annual expenditures as adopted; and
- (b) for payment of all debts of the Regional Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the Regional Corporation is liable under this Act.

(2) The Regional Council shall ascertain and by ^{Apportionment} law direct what portion of the sum mentioned in subsection (1) shall be levied against and in each area municipality.

(3) Subject to subsection (10), all amounts levied under subsection (1) shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the Regional Area, according to the last revised assessment rolls. R.S.O. 1970, c. 406, s. 119 (1-3). ^{Idem}

(4) The Ministry shall revise, equalize and weight the last revised assessment rolls of the area municipalities and, for the purpose of subsection (3), the last revised assessment rolls for the area municipalities as so revised, equalized and weighted by the Ministry shall be deemed to be the last revised assessment rolls of the area municipalities. 1980, c. 33, s. 4, *part*. ^{Equalized assessment}

(5) Subsection (4) shall cease to apply on a date to be determined by order of the Minister. R.S.O. 1970, c. 406, s. 119 (5). ^{When subs. (4) ceases to apply}

(6) Upon completion by the Ministry of the revision, equalization and weighting of assessment, the Ministry shall notify the Regional Corporation and each of the area municipalities of the revised, equalized and weighted assessment of each area municipality. ^{Copy to Regional Corporation and area municipality}

(7) If any area municipality is not satisfied with the assessment as revised, equalized and weighted by the Ministry, the area municipality may appeal from the decision of the Ministry by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised, equalized and weighted assessment was sent to the area municipality by the Ministry. ^{Appeal}

(8) Every notice of revision, equalization and weighting made under this section shall set out the time within which an appeal ^{Idem}

may be made to the Municipal Board with respect to such revision, equalization and weighting.

Amendment
of by-law
where
necessary
following
appeal

(9) Where the last revised assessment of the area municipality has been revised, equalized and weighted by the Ministry and has been appealed, the Regional Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection (2) so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and,

(a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the financial officer of the Regional Corporation; and

(b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the financial officer of the Regional Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the financial officer of the Regional Corporation shall pay the amount of the decrease to the treasurer of the area municipality. 1980, c. 33, s. 4, *part.*

Fixed
assessments,
etc., not
to apply

R.S.O. 1980,
c. 31

(10) The apportionment of the levy among the area municipalities as provided for in subsections (2) and (3) shall be based on the full value of all rateable property, and, notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 22 of the *Assessment Act* or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of the *Assessment Act*. R.S.O. 1970, c. 406, s. 119 (10).

Assessment
upon which
levy apportioned
to include
valuations
on properties
for which
payments
in lieu of
taxes paid

(11) The assessment upon which the levy among the area municipalities shall be apportioned shall include the valuations of all properties for which payments in lieu of taxes which include a payment in respect of regional levies are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or Ontario Hydro to any area municipality. R.S.O. 1970, c. 406, s. 119 (11); 1973, c. 57, s. 19.

Valuations of
properties in
respect of
which grants
in lieu of
taxes
received

(12) The clerk of an area municipality shall transmit to the Ministry, within fourteen days of a payment in lieu of taxes, a statement of the valuations of real property in the area municipality upon which such payment was made together with a statement showing the computations of such payment, and the Ministry

shall revise, equalize and weight the valuations, and shall thereupon notify the Regional Corporation of the revised, equalized and weighted valuations. 1980, c. 33, s. 4, *part*.

(13) One by-law or several by-laws for making the levies may be passed as the Regional Council considers expedient. ^{Levy by-laws}

(14) Subject to subsections 36 (4), (5) and (6) of the *Assessment Act*, in each area municipality the regional levy shall be calculated and levied upon the whole rateable property rateable for such purpose within such area municipality according to the last revised assessment roll thereof. ^{Regional levy}
R.S.O. 1980, c. 31

(15) All moneys levied against an area municipality under the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the Regional Corporation and the treasurer of every area municipality shall pay the moneys so levied to the financial officer of the Regional Corporation at the times and in the amounts specified by the by-law of the Regional Council mentioned in subsection (2). R.S.O. 1970, c. 406, s. 119 (13-15). ^{Payment}

(16) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 15 per cent per annum, or such lower rate as the Regional Council determines, from the date payment is due until it is made. 1979, c. 81, s. 30. ^{Default}

129.—(1) The Ministry shall revise, equalize and weight, by the application of the latest equalization factors of the Ministry, each part of the last revised assessment rolls of the area municipalities that relates to a merged area and each such part of the last revised assessment roll of each of the area municipalities as revised, equalized and weighted is final and binding. ^{Equalization of assessment of merged area}

(2) Upon completion by the Ministry of the revision, equalization and weighting of assessment in an area municipality under subsection (1), the Ministry shall notify the area municipality of the revised, equalized and weighted assessment. 1980, c. 33, s. 5. ^{Notice}

(3) The provisions of subsections (1) and (2) of this section shall cease to apply on the date determined by the Minister under subsection 128 (5). R.S.O. 1970, c. 406, s. 120 (3). ^{When provisions cease to apply}

Levy by
Regional
Council
before
estimates
adopted

130.—(1) Notwithstanding section 128, the Regional Council may, before the adoption of estimates for the year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the Regional Council in the preceding year against that area municipality and subsections 128 (15) and (16) apply to such a levy.

Levy under
s. 128 to be
reduced

(2) The amount of any levy made under subsection (1) shall be deducted from the amount of the levy made under section 128.

Levy by
area muni-
cipality
before
estimates
adopted

(3) Notwithstanding section 129, until the date determined by the Minister under subsection 128 (5), the council of an area municipality may in any year by by-law passed before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, before the adoption of the estimates, on the whole of the assessment for real property in the merged area according to the last revised assessment roll a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters.

Business
assessment

(4) Where the council of an area municipality has not provided for taking the assessment of business during the same year in which the rates of taxation thereon are to be levied under section 130 of *The Assessment Act*, being chapter 23 of the Revised Statutes of Ontario, 1960, the council, notwithstanding section 129, until the date determined by the Minister under subsection 128 (5), may, by by-law passed before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, before the adoption of the estimates, on the whole of the business assessment in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on business assessment of public school supporters.

Levy under
R.S.O. 1980,
c. 359, s. 7 to
be reduced

(5) The amount of any levy under subsection (3) or (4) shall be deducted from the amount of the levy made under section 7 of the *Ontario Unconditional Grants Act*.

Application of
R.S.O. 1980,
c. 302, s. 159
(5)

(6) Subsection 159 (5) of the *Municipal Act* applies to levies made under this section.

R.S.O. 1980,
c. 302, s. 159
not to apply

(7) Section 159 of the *Municipal Act* does not apply until the date determined by the Minister under subsection 128 (5). R.S.O. 1970, c. 406; s. 121 (2-8).

131.—(1) For the purposes of levying taxes under Part IV of the *Education Act*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the area municipality shall be deemed to be the council of each of such merged areas. R.S.O. 1970, c. 406, s. 122 (1).

Rates under
R.S.O. 1980,
c. 129

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of the application of section 222 of the *Education Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality, both as equalized by the Ministry in accordance with subsection 129 (1). R.S.O. 1970, c. 406, s. 122 (2); 1972, c. 1, s. 1.

Rates for
public school
purposes on
commercial
assessment

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 222 of the *Education Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality, both as equalized by the Ministry in accordance with subsection 129 (1). R.S.O. 1970, c. 406 s. 122 (3); 1972, c. 1, s. 1.

Rates for
public school
purposes on
residential
assessment

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 222 of the *Education Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the area municipality, both as equalized by the Ministry in accordance with subsection 129 (1). R.S.O. 1970, c. 406, s. 122 (4); 1972, c. 1, s. 1.

Rates for
secondary
school
purposes on
commercial
assessment

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 222 of the *Education Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality, both as equalized by the Ministry in accordance with subsection 129 (1). R.S.O. 1970, c. 406, s. 122 (5); 1972, c. 1, s. 1.

Rates for
secondary
school
purposes on
residential
assessment

Regulations
under
R.S.O. 1980,
c. 129 to
apply

(6) Notwithstanding subsections (2), (3), (4) and (5), where, in any year, a regulation is in force under section 214 of the *Education Act* the apportionments referred to in subsections (2), (3), (4) and (5) shall be made in accordance with such regulation.

Application
of section

(7) The provisions of this section apply until the date determined by the Minister under subsection 128 (5). R.S.O. 1970, c. 406, s. 122 (6, 7).

Transitional
adjustments

132. The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section. R.S.O. 1970, c. 406, s. 123.

Interpre-
tation

133.—(1) In this section,

- (a) “defined area” means an area within a municipality in which a special area charge is levied;
- (b) “service” means,
 - (i) street lighting,
 - (ii) distribution of water,
 - (iii) the collection, removal and disposal of ashes or garbage or other refuse,
 - (iv) the collection and disposal of sewage and land drainage,
 - (v) fire protection, or
 - (vi) such other service or services that the Minister may, by order, determine;
- (c) “special area charge” means any charge in respect of the cost of operation, repair and maintenance of a service mentioned in clause (b) and includes any charge in respect of depreciation, deferred maintenance or a reserve fund for any such purpose.

Consolidation
of defined
areas and
service area
charges

(2) Notwithstanding the provisions of this Act or any other general or special Act, where two or more defined

areas in respect of a particular service are located in an area municipality, the council of the area municipality may, by by-law, consolidate two or more such defined areas and levy a special area charge in respect of the costs of the service. 1971, c. 77, s. 5.

RESERVES

134. Where, under subsection 297 (2) of *The Municipal Act*, being chapter 249 of the Revised Statutes of Ontario, 1960, the County of Lincoln or the County of Welland has established reserves, those reserves shall become the reserves of the Regional Corporation. R.S.O. 1970, c. 406, s. 125.

Reserves of
Regional
Corporation

RESERVE FUNDS

135.—(1) Reserve funds established by local municipalities for purposes for which the Regional Council has authority to spend funds and for which the council of an area municipality has no authority to spend funds are reserve funds of the Regional Corporation and the assets of such reserve funds are vested in the Regional Corporation.

Reserve
funds of
municipal-
ities

(2) Reserve funds established by local municipalities, other than divided municipalities, for purposes for which the councils of area municipalities have authority to spend funds and for which the Regional Council has no authority to spend funds are reserve funds of the area municipality of which the local municipality forms a part and the assets of such reserve funds are vested in such area municipality. R.S.O. 1970, c. 406, s. 128.

Idem

136.—(1) The Regional Council may in each year provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds. 1976, c. 70, s. 8 (1).

Reserve
funds

(2) The moneys raised for a reserve fund established under subsection (1) shall be paid into a special account and may be invested in such securities as a trustee may invest in under the *Trustee Act*, and the earnings derived from the investment of such moneys form part of the reserve fund. R.S.O. 1970, c. 406, s. 129 (2).

Investments
and income

R.S.O. 1980,
c. 512

(3) The moneys raised for a reserve fund established under subsection (1) shall not be expended, pledged or applied to any purpose other than that for which the fund was established, unless approved by the Regional Council. 1976, c. 70, s. 8 (2).

Expenditure
of reserve
fund
moneys

Auditor to
report on
reserve
funds

(4) The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection (1). R.S.O. 1970, c. 406, s. 129 (4).

TEMPORARY LOANS

Current
borrowings

137.—(1) The Regional Council may by by-law, either before or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize the chairman and financial officer to borrow from time to time by way of promissory note such sums as the Regional Council considers necessary to meet, until the levies and other revenues are received, the current expenditures of the Regional Corporation for the year, including the amounts required for principal and interest falling due within the year upon any debt of the Regional Corporation and the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation. R.S.O. 1970, c. 406, s. 130 (1); 1972, c. 51, s. 11.

Limit upon
borrowings

(2) The amount that may be borrowed at any one time for the purposes mentioned in subsection (1), together with any similar borrowings that have not been repaid, shall not, except with the approval of the Municipal Board, exceed 70 per cent of the uncollected balance of the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the year.

Temporary
application
of estimates
of preceding
year

(3) Until such estimates are adopted, the limitation upon borrowing prescribed by subsection (2) shall temporarily be calculated upon the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the next preceding year.

Protection
of lender

(4) The lender is not bound to establish the necessity of borrowing the sum lent or to see to its application.

Execution
of promissory
notes

(5) Any promissory note made under the authority of this section shall be sealed with the seal of the Regional Corporation and signed by the chairman or by some other person authorized by by-law to sign it, and by the financial officer, and may be expressed so as to bear interest only upon such money as may be borrowed thereon from the time when such money is actually lent. R.S.O. 1970, c. 406, s. 130 (2-5).

Idem

(6) The signature of the chairman or any other person authorized to sign promissory notes may be written, stamped,

lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy financial officer or any other person authorized by by-law to countersign it, the signature of the financial officer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced. 1977, c. 34, s. 8.

(7) The Regional Council may by by-law provide or authorize the chairman and financial officer to provide by agreement that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, be a charge upon the whole or any part or parts of the revenues of the Regional Corporation for the current year and for any preceding years as and when such revenues are received; provided that such charge does not defeat or affect and is subject to any prior charge then subsisting in favour of any other lender.

Creation
of charge

(8) Any agreement entered into under subsection (7) shall be sealed with the corporate seal and signed by the chairman and financial officer.

Execution of
agreements

(9) If the Regional Council authorizes the borrowing of or borrows any larger amount than is permitted under this section, every member who knowingly votes therefor is disqualified from holding any municipal office for two years.

Penalties
for excess
borrowings

(10) If the Regional Council authorizes the application of any revenues of the Regional Corporation charged under the authority of this section otherwise than in repayment of the loan secured by such charge, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Penalty for
misapplica-
tion of
revenues by
Regional
Council

(11) If any member of the Regional Council or officer of the Regional Corporation applies any revenues so charged otherwise than in repayment of the loan secured by such charge, he is personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction. R.S.O. 1970, c. 406, s. 130 (6-10).

Penalty for
misapplica-
tion of
revenues by
officials

(12) Subsections (9), (10) and (11) do not apply to the Regional Council or any member of the Regional Council or officer of the Regional Corporation acting under an order or direction issued or made under the authority of the *Municipal Affairs Act*, nor do they apply in any case where application of the revenues of the Regional Corporation is made with the consent of the lender in whose

Saving as to
penalties

R.S.O. 1980,
c. 303

favour a charge exists. R.S.O. 1970, c. 406, s. 130 (11); 1972, c. 1, s. 104 (6).

DEBT

Debt
R.S.O. 1980,
c. 347

138.—(1) Subject to the limitations and restrictions in this Act and the *Ontario Municipal Board Act*, the Regional Council may borrow money for the purposes of,

- (a) the Regional Corporation;
- (b) any area municipality;
- (c) the joint purposes of any two or more area municipalities,

whether under this or any general or special Act, and may issue debentures therefor on the credit of the Regional Corporation.

Liability

(2) All debentures issued pursuant to a by-law passed by the Regional Council under the authority of this Act are direct, joint and several obligations of the Regional Corporation and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities but nothing in this subsection affects the rights of the Regional Corporation and of the area municipalities respectively as among themselves.

Limitation

(3) Notwithstanding any general or special Act, no area municipality has, after the 31st day of December, 1969, power to issue debentures.

Uncom-
pleted
works

(4) When an area municipality, prior to the 31st day of December, 1969,

- (a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 64 (1) of *The Ontario Municipal Board Act*, being chapter 274 of the Revised Statutes of Ontario, 1960; and
- (b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

the Regional Council, upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the Regional Corporation for the purposes and in the amount approved by the

Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 140, and no further approval of the Municipal Board is required.

(5) Bonds, debentures and other evidences of indebtedness of the Regional Corporation shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of the *Trustee Act*. R.S.O. 1970, c. 406, s. 131. Bonds, debentures, etc., trustee investments R.S.O. 1980, c. 512

139.—(1) Subject to the limitations and restrictions in this Act and the *Ontario Municipal Board Act*, the Regional Corporation may by by-law incur a debt or issue debentures for the purposes set forth in subsection 138 (1) and, notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the Regional Area. Power to incur debt or issue debentures R.S.O. 1980, c. 347

(2) Where, under any general or special Act, an area municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the Regional Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence to the passing of the by-law by the Regional Council has been obtained. Idem

(3) Nothing in subsection (2) requires the assent of any electors where such assent has been dispensed with under section 63 of the *Ontario Municipal Board Act*. R.S.O. 1970, c. 406, s. 132. Proviso

140.—(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time for the purposes authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and financial officer to raise money by way of loan on the debentures and to hypothecate them for the loan. 1977, c. 34, s. 9 (1). Borrowing pending issue and sale of debentures

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of the area municipality pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality Idem

shall, agree with a bank or person for temporary advances from time to time for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and financial officer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality. 1977, c. 34, s. 9 (2).

Interest on
proceeds
transferred

(3) The Regional Corporation may charge interest on any proceeds of an advance or loan transferred under subsection (2) at a rate sufficient to reimburse it for the cost of such advance or loan.

Application
of proceeds
of loan

(4) The proceeds of every advance or loan under this section shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to see to the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality, the balance, subject to section 154, shall be transferred to the area municipality.

Hypotheca-
tion not
to prevent
subsequent
sale of
debentures

(5) Subject to subsection (4), the redemption of a debenture hypothecated does not prevent the subsequent sale thereof. R.S.O. 1970, c. 406, s. 134 (3-5).

Signature of
chairman,
etc., may be
mechanically
reproduced

(6) The signature of the chairman or any other person authorized to sign loan agreements may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on loan agreements made under this section and, if such loan agreement is countersigned in writing by the deputy financial officer or any other person authorized by by-law to countersign it, the signature of the financial officer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced. 1977, c. 34, s. 9 (3).

Temporary
borrowing
R.S.O. 1980,
c. 361

141.—(1) Where the Regional Corporation has entered into an agreement under the *Ontario Water Resources Act*, whereby the Regional Corporation is entitled to receive moneys from the Crown, the Regional Council, pending the receipt of such moneys, may, in order to meet expenditures incurred in carrying out the agreement, agree with a bank or a person for temporary advances from time to time.

Application
of proceeds

(2) The proceeds of every advance under this section shall be applied to the expenditures incurred in carrying out the agreement made by the Regional Corporation under the *Ontario Water Resources Act*, but the lender shall not

be bound to see to the application of the proceeds and, when the Regional Corporation has received the moneys to which it is entitled from the Crown under the said agreement, such moneys shall be applied first in repayment of the advances. 1976, c. 43, s. 20.

142.—(1) Subject to subsection (2), a money by-law for the issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest. Principal and interest payments

(2) A money by-law for the issuing of debentures may provide that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case debentures issued under the by-law shall be known as sinking fund debentures. Sinking fund debentures

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve. When debentures to be payable

(4) The by-law may provide for raising in each year, by special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each area municipality shall pay to the Regional Corporation such sums at the times and in the amounts specified in the by-law. Special levy against area municipalities

(5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law. General levy

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection (4) may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection (4). R.S.O. 1970, c. 406, s. 135 (1-6). Levy by area municipalities

(7) Notwithstanding subsection (5), the Regional Council may by by-law, Instalment debentures and debentures to refund existing debentures at maturity

- (a) authorize the borrowing of money by the issue of instalment debentures, the last instalment of which shall mature not earlier than ten years after the date upon which they are issued, and a specified sum of principal payable thereunder in the final year shall be raised by the issue of refunding debentures as provided in clause (b), and it shall not be necessary to raise by special rate in the year of maturity of the debentures to be refunded an amount equal to the specified principal amount of the debentures which are being refunded; and
- (b) authorize the issue of debentures to refund at maturity outstanding debentures of the municipality, provided that the refunding debentures shall be payable within the maximum period of years that was approved by the order of the Municipal Board for the repayment of debentures issued for the debt for which the outstanding debentures were issued, commencing on the date of the debentures originally issued for such debt,

and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a special levy or levies against such area municipality or municipalities as may be specified in the by-law and such levy shall be levied against the same area municipality or municipalities in each case.

Levy

(8) Any special levy against an area municipality imposed by the by-law under the authority of subsection (7) may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection (7), and any levy imposed by a by-law under clause (7) (b) shall be levied by the area municipality against the same persons or property as the levy imposed by the related by-law under clause (7) (a) was levied. 1972, c. 51, s. 13 (1).

Levies a debt

(9) All levies imposed by the by-law against an area municipality are a debt of the area municipality to the Regional Corporation.

By-law to change mode of issuing debentures

(10) The Regional Council may by by-law authorize a change in the mode of issue of the debentures and may provide that the debentures be issued with coupons instead of in amounts of combined principal and interest or

vice versa and where any debentures issued under the by-law have been sold, pledged or hypothecated by the Regional Council upon again acquiring them or at the request of any holder of them, may cancel them and issue one or more debentures in substitution for them and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year. R.S.O. 1970, c. 406, s. 135 (7, 8).

(11) All the debentures shall be issued within two years after the passing of the by-law unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the Regional Council it would be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law. R.S.O. 1970, c. 406, s. 135 (9); 1976, c. 43, s. 21 (1).

Debentures,
when to be
dated and
issued

(12) All the debentures shall bear the same date, except where they are issued in sets, in which case every debenture of the same set shall bear the same date.

Date of
debentures

(13) Notwithstanding the provisions of the by-law, the debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection (11) and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.

Idem

(14) The Municipal Board, on the application of the Regional Council, the council of any area municipality or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

Extension
of time
for issue

(15) The extension may be made although the application is not made until after the expiration of the two years or of the time provided for the issue of the set.

Application
after time
expired

(16) Unless the by-law names a later day when it is to take effect, it takes effect on the day of its passing.

Effective
date

Consolidation

(17) Notwithstanding any general or special Act, the Regional Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor.

Consolidating
debenture
by-laws

(18) Section 145 of the *Municipal Act* applies with necessary modifications to the Regional Corporation.

R.S.O. 1980,
c. 302

Redemption
before
maturity

(19) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the Regional Corporation on any date prior to maturity, subject to the following provisions:

1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and the amount at which such debenture may be so redeemed.
2. The principal of every debenture that is so redeemable becomes due and payable on the date set for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of the principal thereof, the interest to the date set for redemption, and any premium payable on redemption.
3. Notice of intention so to redeem shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.
4. At least thirty days prior to the date set for such redemption, notice of intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the Regional Area and in such other manner as the by-law may provide.
5. Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debentures issued under the by-law shall be called for such redemption in priority to any such debenture that has a later maturity date.
6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied,

the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council in respect of the debenture so redeemed. R.S.O. 1970, c. 406, s. 135 (10-17).

(20) The by-law may provide that the debentures to ^{Currency} be issued thereunder shall be expressed and be payable,

- (a) in lawful money of Canada and payable in Canada; or
- (b) in lawful money of the United States of America and payable in the United States of America; or
- (c) in lawful money of Great Britain and payable in Great Britain; or
- (d) subject to the prior approval of the Lieutenant Governor in Council, in a currency other than that of Canada, the United States of America or Great Britain. R.S.O. 1970, c. 406, s. 135 (18); 1972, c. 51, s. 13 (2).

(21) Where under the provisions of the by-law debentures issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain or in any currency other than that of Canada, the Regional Council may in such by-law or in any amending by-law, in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in such year, provide that there shall be raised such yearly amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary. R.S.O. 1970, c. 406, s. 135 (19); 1972, c. 51, s. 13 (3).

(22) When sinking fund debentures are issued, the amount of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding 5 per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due. R.S.O. 1970, c. 406, s. 135 (20); 1972, c. 51, s. 13 (4).

(23) When sinking fund debentures are issued, the sinking fund committee shall keep one or more consolidated bank accounts in which,

- (a) the financial officer of the Regional Corporation shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and
- (b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments. R.S.O. 1970, c. 406, s. 135 (21).

Sinking fund
committee

(24) When sinking fund debentures are issued, there shall be a sinking fund committee that shall be composed of the financial officer of the Regional Corporation and two members appointed by the Regional Council, and the two appointed members may be paid, out of the current fund of the Regional Corporation, such annual remuneration as the Regional Council determines. 1972, c. 51, s. 13 (5).

Alternate
members

(25) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member and any such alternate member may be paid, out of the current fund of the Regional Corporation, such remuneration as the Regional Council determines. 1976, c. 70, s. 9.

Chairman

(26) The financial officer of the Regional Corporation shall be the chairman and treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer.

Security

(27) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, in such amount as the auditor of the Regional Corporation shall determine, and in other respects the provisions of section 94 of the *Municipal Act* apply with respect to such security.

R.S.O. 1980,
c. 302

Quorum

(28) Two members of the sinking fund committee are a quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee.

(29) All assets of the sinking funds, including all consolidated bank accounts, shall be under the sole control and management of the sinking fund committee. Control of sinking fund assets

(30) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all cheques on the consolidated bank accounts shall be signed by the chairman or acting chairman and one other member of the sinking fund committee. Withdrawals from bank accounts

(31) The sinking fund committee shall invest any moneys on deposit from time to time in the consolidated bank accounts and may at any time or times vary any investments. Investments
R.S.O. 1970, c. 406, s. 135 (24-29).

(32) The moneys in the consolidated bank accounts shall be invested in one or more of the following forms, Idem

(a) in securities in which a trustee may invest under the *Trustee Act*;

R.S.O. 1980,
c. 512

(b) in debentures of the Regional Corporation;

(c) in temporary advances to the Regional Corporation pending the issue and sale of any debentures of the Regional Corporation;

(d) in temporary loans to the Regional Corporation for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made;

(e) in securities issued or unconditionally guaranteed as to principal and interest by the United States of America;

(f) in such other securities as are authorized by the Lieutenant Governor in Council. R.S.O. 1970, c. 406, s. 135 (30); 1976, c. 43, s. 21 (2).

(33) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be deposited with the Treasurer of Ontario. Deposit of securities with Treasurer of Ontario

(34) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under subsection (33) only upon the direction in writing of the sinking fund committee. Release of securities by Treasurer of Ontario

Sinking fund
accounts

(35) All sinking fund debentures issued on the same date, payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws, shall be deemed one debt and be represented by one sinking fund account.

Earnings
credited to
sinking fund
account

(36) That proportion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments, obtained by,

- (a) multiplying the amount of all such earnings by the amount of the capitalized interest for that year under subsection (22) with respect to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account; and
- (b) dividing the product obtained under clause (a) by the amount of all capitalized interest for that year under subsection (22) with respect to all principal raised up to and including such year for all outstanding sinking fund debentures,

shall be credited to the sinking fund account, mentioned in clause (a).

Sinking fund
require-
ments

(37) The financial officer of the Regional Corporation shall prepare and lay before the Regional Council in each year, before the annual regional levies are made, a statement showing the sums that the Regional Council will be required, by by-law, to raise for sinking funds in that year.

Offence

(38) If the financial officer of the Regional Corporation contravenes subsection (23) or (37), he is guilty of an offence and on conviction is liable to a fine of not more than \$250.

Failure
to levy

(39) If the Regional Council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the Regional Council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount.

Where
amount in
sinking fund
account
more than
sufficient
to pay debt

(40) Notwithstanding this or any other Act or by-law, if it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the estimated earnings to be credited thereto under subsection (36) together with the levy required to be made by the by-law or by-laws that authorized the issue of the

debentures represented by such sinking fund account, to pay the principal of the debt represented by such sinking fund account when it matures, the Municipal Board on the application of the sinking fund committee, the Regional Council or the council of an area municipality, may authorize the Regional Council or the council of an area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board.

(41) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the Regional Corporation or otherwise than is provided in this section. R.S.O. 1970, c. 406, s. 135 (31-39). ^{No diversion of sinking funds}

(42) When there is a surplus in a sinking fund account, the sinking fund committee shall, ^{Surplus}

- (a) use the surplus to increase the amount at the credit of another sinking fund account; or
- (b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes,
 - (i) to retire unmatured debentures of the Regional Corporation or of an area municipality,
 - (ii) to reduce the next annual levy on account of principal and interest payable with respect to debentures of the Regional Corporation or of an area municipality,
 - (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause (a) or (b) for the purposes of the Regional Corporation or an area municipality in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose. R.S.O. 1970, c. 406, s. 135 (40); 1972, c. 51, s. 13 (6).

(43) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities, any deficit in the sinking fund account shall be provided by the Regional Corporation out of its current ^{Deficit and surplus}

funds and any surplus in the sinking fund account shall be used as provided in subsection (42). R.S.O. 1970, c. 406, s. 135 (41).

Term
debentures

(44) A money by-law may authorize the issue of debentures of which a portion shall be payable on a fixed date with interest payable annually or semi-annually, in which case such debentures shall be known as term debentures.

Amounts to
be raised
annually

(45) In respect of the term debentures, the by-law shall provide for raising,

- (a) in each year of the currency of the term debentures, a sum sufficient to pay the interest on the term debentures; and
- (b) in each year of the currency of the term debentures in which no other debentures issued under the same by-law become due and payable, a specific amount to form a retirement fund for the term debentures which, with interest at a rate not to exceed 5 per cent per annum compounded yearly, will be sufficient to pay the principal of the term debentures at maturity.

Retirement
fund
adminis-
tration

(46) The retirement fund for the term debentures shall be administered by the sinking fund committee in all respects in the same manner as a sinking fund established under this section, and the provisions of subsections (23) to (43) of this section with respect to a sinking fund shall apply with necessary modifications to such retirement fund.

All
debentures
rank equally

(47) Notwithstanding the provisions of any general or special Act or any differences in date of issue or maturity, every debenture issued shall rank concurrently and *pari passu* in respect of payment of principal and interest thereon with all other debentures of the Regional Corporation except as to the availability of any sinking funds applicable to any particular issue of debentures. 1976, c. 43, s. 21 (3).

Debentures
payable on a
fixed date
subject to
the annual
redemption
by lot of a
specified
principal
amount

143. Notwithstanding any other provision of this Act,

- (a) a money by-law of the Regional Council may provide that all or a portion of the debentures to be issued thereunder shall be payable on a fixed date, subject to the obligation of the Regional Corporation to redeem by lot annually on each anniversary of the date of such debentures a specified principal amount of such debentures upon payment by the Regional Corporation of such principal amount plus accrued interest to the date of redemption and upon giving notice as provided in this section;

- (b) the principal amount of every debenture that is called for redemption shall become due and payable on the date set for the redemption thereof and, after such date, interest ceases to accrue thereon where provision is duly made by the Regional Corporation for the payment of the principal amount thereof; interest ceases to accrue on date set for redemption
- (c) the debentures to be redeemed on each anniversary of the date of such debentures shall be selected by lot by the treasurer of the Regional Corporation at a public meeting of the Regional Council and when redeemed shall be cancelled and shall not be reissued, provided always that the principal amount of the debentures to be redeemed in any year may be reduced by the principal amount of any debentures purchased by the Regional Corporation, at a price or prices not exceeding the principal amount thereof, and surrendered for cancellation on the date fixed for redemption; debentures to be redeemed may be purchased
- (d) notice of intention to redeem any debenture shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person, if any, in whose name the debenture may be registered at the address shown in the Debenture Registry Book; notice to redeem to be sent by mail
- (e) notice of intention to redeem any debenture shall be published at least thirty days prior to the date set for such redemption in such manner as the by-law may provide; notice to redeem to be published
- (f) where only a portion of the debentures issued under a by-law is payable on a fixed date, the obligation of the Regional Corporation to redeem by lot annually a specified principal amount of such debentures does not apply in any year in which an instalment of principal of the remaining debentures issued under such by-law becomes due and payable; and where only portion of debentures payable on fixed date
- (g) the aggregate amounts of principal and interest, or the amounts of principal, payable in each year during the currency of debentures issued under this section shall be approximately equal. 1976, c. 43, s. 22. annual amounts payable to be approximately equal

144.—(1) Subsection 152 (1) of the *Municipal Act* applies with necessary modifications to the Regional Council. 1976, c. 70, s. 10. Application of R.S.O. 1980, c. 302, s. 152 (1)

Hypotheca-
tion not a
sale under
this section

(2) For the purposes of this section, the hypothecation of debentures under section 140 shall not constitute a sale or other disposal thereof.

Consolida-
tion of
debentures

(3) The Regional Council may by one by-law authorized under subsection (1) amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder.

Special
assessment
and levies

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Corporation. R.S.O. 1970, c. 406, s. 136 (2-4).

Repeal of
by-law when
part only of
money to
be raised

145.—(1) Where part only of a sum of money provided for by a by-law has been raised, the Regional Council may repeal the by-law as to any part of the residue, and as to a proportionate part of the amounts to be raised annually.

When to
take effect

(2) The repealing by-law shall recite the facts on which it is founded, shall provide that it shall take effect on the 31st day of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board. R.S.O. 1970, c. 406, s. 137.

Until debt
paid certain
by-laws
cannot be
repealed

146.—(1) Subject to section 145, after a debt has been contracted under a by-law, the Regional Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not alter any such by-law so as to diminish the amount to be raised annually, and shall not apply to any other purpose any money of the Regional Corporation that has been directed to be applied to such payment.

Application
of payments

(2) When the Regional Corporation, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply any of the money so paid for any purpose other than the payment of the amounts of principal and interest so becoming due. R.S.O. 1970, c. 406, s. 138.

147. Any officer of the Regional Corporation whose duty it is to carry into effect any of the provisions of a money by-law of the Regional Corporation, who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on conviction is liable to a fine of not more than \$100. R.S.O. 1970, c. 406, s. 139.

Office for
neglect of
officer to
carry out
by-law

148.—(1) Within four weeks after the passing of a money by-law, the officer appointed under section 17 may register a duplicate original or a copy of it, certified under his hand and the seal of the Regional Corporation, in the land registry offices for the Registry Divisions of Niagara North and of Niagara South.

Money
by-laws
may be
registered

(2) Subject to section 61 of the *Ontario Municipal Board Act*, every by-law registered in accordance with subsection (1), or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under the *Drainage Act* or the *Local Improvement Act*, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought, is registered in such registry office within such period of three months, or one month, as the case may be.

Application
to quash
registered
by-law,
when to
be made
R.S.O. 1980,
cc. 347, 126,
250

(3) After the expiration of the period prescribed by subsection (2), if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms.

Time when
by-law to be
valid and
binding

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection (2), but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, is, after the expiration of that period, valid and binding according to its terms.

Quashing
part of
by-law

(5) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered, and after such dismissal and the expiration of the period

Dismissal of
application

prescribed by subsection (2), if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms.

Illegal
by-laws not
validated

(6) Nothing in this section makes valid a by-law passed without the assent of the electors of an area municipality as required by subsection 139 (2), or a by-law where it appears on the face of it that any of the provisions of subsection 142 (5) have not been substantially complied with.

Failure to
register

(7) Failure to register a by-law as prescribed by this section does not invalidate it. R.S.O. 1970, c. 406, s. 140.

Debentures,
how sealed
and
executed

149.—(1) A debenture or other like instrument shall be sealed with the seal of the Regional Corporation, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection (3), shall be signed by the chairman, or by some other person authorized by by-law of the Regional Corporation to sign it, and by the financial officer.

Interest
coupons

(2) A debenture may have attached to it interest coupons that shall be signed by the financial officer and his signature to them may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the financial officer on the date the Regional Council authorized the execution of the debenture or on the date the debenture bears or at the time the debenture was issued and delivered.

Mechanical
reproduction
of signatures

(3) The signature of the chairman, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and, if the debentures or other like instruments are countersigned in writing by a person authorized by by-law of the Regional Corporation to countersign, the signature of the financial officer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon.

Effect of
mechanical
reproduction

(4) The seal of the Regional Corporation when so engraved, lithographed, printed or otherwise mechanically reproduced has the same force and effect as if manually affixed and the signature of the chairman or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the financial officer when so engraved, lithographed, printed or other-

wise mechanically reproduced shall be deemed the signature of the chairman or other person so authorized to sign or of the financial officer, as the case may be, and is binding upon the Regional Corporation.

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signatures of the persons provided in this section if such persons had authority to sign and countersign as provided in this section either on the date the Regional Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered. R.S.O. 1970, c. 406, s. 141.

Sufficiency
of signatures

150. Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the Regional Corporation, the by-law and the debentures issued under it are valid and binding upon the Regional Corporation. R.S.O. 1970, c. 406, s. 142.

Debentures
on which
payment has
been made
for one year
to be valid

151.—(1) Where a debenture contains or has endorsed upon it a provision to the following effect:

Mode of
transfer
may be
prescribed

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the financial officer of this Corporation (or by such other person authorized by by-law of this Corporation to endorse such certificate of ownership), transferable except by entry by the financial officer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the

.....

.....

of

the financial officer (or such other persons so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book, to be called the Debenture Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.

Require-
ments as to
endorsing
certificate of
ownership

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the financial officer.

Transfer
by entry in
Debenture
Registry
Book

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in subsection (1), is transferable only by entry by the financial officer (or by such other person so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors. R.S.O. 1970, c. 406, s. 143.

Registration
of debenture
as to principal
and interest

(4) A debenture may be registered as to both principal and interest in which case the interest thereon shall be paid by cheque and the debenture may be referred to as a fully registered debenture.

When
Debenture
Registry
Book may be
maintained
outside
Canada

(5) Where debentures are payable in a currency other than that of Canada, the Regional Council may provide that the Debenture Registry Book of the Regional Corporation in respect of such debentures be maintained outside Canada by a corporation or person other than the treasurer and may make such other provisions for the registration and transfer of such debentures as the Regional Council considers appropriate. 1976, c. 43, s. 23.

Replacement
of lost
debentures

152. Where a debenture is defaced, lost or destroyed, the Regional Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide. R.S.O. 1970, c. 406, s. 144.

Exchange of
debentures

153.—(1) On request of the holder of any debenture issued by the Regional Corporation, the financial officer of the Regional Corporation may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount.

On request
of sinking
fund
committee

(2) On the request of the sinking fund committee, the financial officer of the Regional Corporation may, as provided in this section, exchange debentures heretofore or hereafter issued by the Regional Corporation.

(3) Any new debenture mentioned in subsection (1) may be registered as to principal and interest but in all other respects shall be of the same force and effect as the debenture or debentures surrendered for exchange.

New
debentures
of same
force and
effect as
debentures
surrendered

(4) The financial officer and auditor of the Regional Corporation shall cancel and destroy all debentures surrendered for exchange and shall certify in the Debenture Registry Book that they have been cancelled and destroyed and shall also enter in the Debenture Registry Book particulars of any new debenture issued in exchange. R.S.O. 1970, c. 406, s. 145.

Debentures
surrendered
for exchange
to be
cancelled

154.—(1) The moneys received by the Regional Corporation from the sale or hypothecation of any debentures to the extent that such moneys are required for the purposes for which the debentures were issued, and for the repayment of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes.

Application
of proceeds
of
debentures

(2) None of the moneys received by the Regional Corporation from the sale or hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the Regional Corporation or an area municipality.

Idem

(3) Where on the sale of any debenture an amount is realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied,

Surplus

(a) if any such debentures are redeemable prior to maturity at the option of the Regional Corporation, to redeem one or more of the debentures having the latest maturity date; or

(b) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or

(c) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

Deficiency

(4) Where on the sale of any debentures a deficiency in the amount required for the purpose or purposes for which the debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes. R.S.O. 1970, c. 406, s. 146.

Use of proceeds of sale of asset acquired from proceeds of sale of debentures

155. Where real or personal property acquired out of moneys received by the Regional Corporation from the sale or hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied as an excess in accordance with subsection 154 (3) or, with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures issued in respect of the property disposed of or sold. R.S.O. 1970, c. 406, s. 147.

Tenders for debentures

156. When the Regional Corporation intends to borrow money on debentures under this or any other Act, the Regional Council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par. R.S.O. 1970, c. 406, s. 148.

Accounts, how to be kept

157.—(1) The Regional Council shall,

- (a) keep a separate account of every debenture debt;
- (b) where the whole of a debenture debt is not payable in the current year, keep in respect thereof,
 - (i) an additional account for the interest, if any, and
 - (ii) an additional account for the sinking fund or the instalments of principal,

distinguished from all other accounts by a prefix designating the purpose for which the debenture debt was contracted; and

- (c) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

(2) The Regional Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt. R.S.O. 1970, c. 406, s. 149.

158. If, in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of the principal. R.S.O. 1970, c. 406, s. 150.

159.—(1) If the Regional Council applies any money raised for a special purpose or collected for a sinking fund in paying current or other expenditure, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

(2) If the Regional Council, upon the request in writing of a ratepayer of any area municipality, refuses or neglects for one month to bring an action therefor, the action may be brought by any such ratepayer on behalf of himself and all other ratepayers in the Regional Area.

(3) The members who vote for such application are disqualified from holding any municipal office for two years. R.S.O. 1970, c. 406, s. 151.

160. When, by or under the authority of this Act, the Regional Corporation is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the Regional Corporation may, with the approval of the Municipal Board,

- (a) cancel all such debentures that have not been sold and issue new debentures of the Regional Corporation in substitution and exchange therefor

and apply the proceeds thereof, as may be directed by the Municipal Board, for the purposes for which such debentures were issued;

- (b) arrange with the area municipality for the redemption of all such debentures as are redeemable and issue new debentures of the Regional Corporation to raise the moneys required for such redemption;
- (c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the Regional Corporation to raise the money required to complete such purchase. R.S.O. 1970, c. 406, s. 152.

PART XI

GENERAL

Application of
R.S.O. 1980,
c. 302

161.—(1) Sections 5, 105, 106, 113, 116 and 121, subsection 165 (3), sections 190 and 205, paragraphs 3, 11, 12, 23, 24, 30, 50 and 54 of section 208, paragraph 60 and subparagraph ii of paragraph 125 of section 210, section 253 and paragraph 10 of section 315 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation. 1979, c. 81, s. 31 (1).

Erections,
annexations
and amal-
gamations

(2) Sections 10 and 11 and, subject to subsection 2 (5), subsection 14 (2) of the *Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, within the Regional Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature.

Nuisances

(3) The Regional Corporation shall be deemed to be a local municipality for the purpose of paragraph 134 of section 210 of the *Municipal Act*.

Delegation
of approvals
or consents

(4) Notwithstanding any other provision in this Act, the Regional Council may pass by-laws authorizing the head of the department concerned to grant such of the approvals and consents required by subsection 39 (2), subsection 54 (1), subsection 55 (2) and subsection 70 (2) as are designated in the by-law, and any such by-law may prescribe terms and condi-

tions under which any such approval or consent may be granted.
R.S.O. 1970, c. 406, s. 154 (3-5).

(5) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 13 of the *Mortmain and Charitable Uses Act*. 1977, c. 34, s. 10 (2). Application of R.S.O. 1980, c. 297, s. 13

(6) The Regional Corporation shall be deemed to be, and to have always been, a municipality for the purposes of section 311 of the *Municipal Act*. 1979, c. 81, s. 31 (2). Deemed municipality for purposes of R.S.O. 1980, c. 302, s. 311

(7) On the 1st day of January, 1970,

By-laws

- (a) the by-laws of the former Township of Clinton, that would have extended under section 18 of the *Municipal Act* to that portion of the Township of Louth annexed to the Town of Lincoln under clause 2 (1) (a) had it been annexed to the Township of Clinton, extend and apply to such portion of the Township of Louth;
- (b) the by-laws of the former Township of Bertie, that would have extended under section 18 of the *Municipal Act* to that portion of the Township of Willoughby annexed to the Town of Fort Erie under clause 2 (1) (b) had it been annexed to the Township of Bertie, extend and apply to such portion of the Township of Willoughby;
- (c) the by-laws of the former City of Niagara Falls, that would have extended under section 18 of the *Municipal Act* to those portions of the townships of Crowland, Humberstone and Willoughby annexed to the City of Niagara Falls under clause 2 (1) (d) had they been annexed under section 14 of the *Municipal Act* to the former City of Niagara Falls, extend and apply to such portions of such townships;
- (d) the by-laws of the former Village of Fonthill that would have extended under section 18 of the *Municipal Act* to that portion of the Township of Thorold annexed to the Town of Pelham under clause 2 (1) (f) had it been annexed to the Village of Fonthill, extend and apply to such portion of the Township of Thorold;
- (e) that portion of the Township of Thorold annexed to the Town of Thorold under clause 2 (1) (i) shall be

deemed to be amalgamated with the Town for the purpose of subsection 17 (2) of the *Municipal Act*. R.S.O. 1970, c. 406, s. 154 (8).

Emergency
measures
civil defence

162.—(1) The Regional Council may pass by-laws,

- (a) for the establishment and maintenance of an emergency measures civil defence organization in the Regional Area; and
- (b) for providing moneys for emergency measures and civil defence, for the purposes of the emergency measures civil defence organization and for the cost of the operation of such organization, and for other similar work in the Regional Area,

and when a by-law passed under this subsection is in force in the Regional Area, any by-laws passed by the council of an area municipality under subclauses 209 (b) (ii) and (iii) of the *Municipal Act* have no effect.

Powers of
Regional
Council re
emergency
measures

(2) When a by-law passed under clause (1) (a) is in force, the Regional Council may pass by-laws,

- (a) with the consent of the area municipality or local board concerned, for appointing heads of departments and alternates to be members of or advisors to the emergency measures planning committee or any subcommittee thereof;
- (b) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their emergency functions;
- (c) for appointing members of the emergency measures planning committee or of any subcommittee thereof, to be in charge of such departments or utilities throughout the Regional Area, as the by-law may provide, when an emergency has been proclaimed under the *War Measures Act* (Canada);
- (d) for acquiring alternative headquarters for the Regional Government outside the Regional Area;
- (e) for obtaining and distributing emergency materials, equipment and supplies; and

- (f) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack. R.S.O. 1970, c. 406, s. 155.

(3) Where an emergency situation exists in an area municipality which cannot be adequately dealt with under the existing division of statutory responsibilities, the Regional Council may, at the request of the head of council of such area municipality, co-ordinate and control or operate all services, both of the Regional Corporation and of the area municipality, required to deal with such emergency. Regional co-ordination of measures

(4) Where any service is provided by the Regional Corporation under subsection (2), the Regional Council may charge the area municipality the cost of providing such service. Cost of providing service
1973, c. 54, s. 7, *part*.

163. The Regional Corporation may make expenditures for the purpose of diffusing information respecting the advantages of the regional municipality as an industrial, business, educational, residential or vacation centre. R.S.O. 1970, c. 406, s. 156; 1973, c. 158, s. 7; 1976, c. 43, s. 25. Expenditures for diffusing information

164. Where in an action or by the settlement of a claim arising out of an injury to an employee, including a member of the Niagara Regional Police Force, or to any person deemed an employee for the purposes of the *Workmen's Compensation Act* the Regional Corporation recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the Regional Corporation may impose. R.S.O. 1970, c. 406, s. 158; 1971, c. 77, s. 9. Payment of damages to employees
R.S.O. 1980, c. 539

165.—(1) Where the Regional Council passes a resolution requesting a judge of either of the county courts within the Regional Area or a judge of the county court of a county adjoining the Regional Area to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the Regional Council, or an officer or employee of the Regional Corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the Regional Corporation, or to inquire into or concerning any matter connected with the good government of the Regional Investigation by county judge of charges of malfeasance

R.S.O. 1980,
c. 411

Corporation or the conduct of any part of its public business, including any business conducted by a local board of the Regional Corporation, the judge shall make the inquiry and for that purpose has the powers of a commission under Part II of the *Public Inquiries Act*, which Part applies to the inquiry as if it were an inquiry under that Act, and he shall, with all convenient speed, report to the Regional Council the result of the inquiry and the evidence taken. R.S.O. 1970, c. 406, s. 159 (1); 1971, c. 49, s. 18.

Fees
payable
to judge
R.S.O. 1980,
c. 223

(2) The judge shall be paid by the Regional Corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under the *Judicature Act*.

Engaging
counsel

(3) The Regional Council may engage and pay counsel to represent the Regional Corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the Regional Corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel.

Idem

(4) The judge may engage counsel and such other assistants and staff and incur such incidental expenses as he considers advisable for the proper conduct of the investigation or inquiry, and the Regional Corporation shall pay the costs thereof. R.S.O. 1970, c. 406, s. 159 (2-4).

Commission
of inquiry

166.—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into any of the affairs of the Regional Corporation or a local board thereof, and any matter connected therewith, and the commission has the powers of a commission under Part II of the *Public Inquiries Act*, which Part applies to the inquiry as if it were an inquiry under that Act. R.S.O. 1970, c. 406, s. 160 (1); 1971, c. 49, s. 18.

When
commission
may issue

(2) A commission may be recommended at the instance of the Ministry or upon the request in writing of not less than one-third of the members of the Regional Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein. R.S.O. 1970, c. 406, s. 160 (2); 1972, c. 1, s. 1.

Expenses of
commission

(3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and are subject to such division between the

Regional Corporation and the Province as the Lieutenant Governor in Council may direct. R.S.O. 1970, c. 406, s. 160 (3).

167. The Regional Corporation for its purposes may enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor, but all such highways, lanes and other public communications shall be restored to their original condition without unnecessary delay. R.S.O. 1970, c. 406, s. 161. Entry on highways, etc.

168. The Regional Corporation and any area municipality may enter into agreements for the use within any part of the Regional Area of the services of their respective officers, employees and equipment. R.S.O. 1970, c. 406, s. 162. Agreements re services

169.—(1) For the purposes of paragraph 9 of section 3 and section 26 of the *Assessment Act*, the Regional Corporation shall be deemed to be a municipality. Application of R.S.O. 1980, c. 31

(2) For the purposes of paragraph 9 of section 3 of the *Assessment Act*, where property belonging to the Regional Corporation is occupied by an area municipality or where property belonging to an area municipality is occupied by the Regional Corporation or another area municipality, the occupant shall not be deemed to be a tenant or lessee, whether rent is paid for such occupation or not. Regional Corporation and area municipalities not deemed tenants

(3) In subsection (2), “Regional Corporation” and “area municipality” include a local board thereof. R.S.O. 1970, c. 406, s. 163. Interpretation

170.—(1) An execution against the Regional Corporation may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following: Executions against Regional Corporation

1. The sheriff shall deliver a copy of the writ and endorsement to the financial officer of the Regional Corporation, or leave such copy at the office or dwelling place of that officer, with a statement in writing of the sheriff's fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.
2. If the amount with interest thereon from the day mentioned in the statement is not paid to

the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the Regional Council for general purposes are apportioned among the area municipalities, determine the portion of the amount mentioned in the statement that shall be levied against and in each area municipality.

3. The sheriff shall then in like manner as rates struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the execution, and in determining such amount he may make such addition to the same as the sheriff considers sufficient to cover its share of the interest up to the time when the rate will probably be available and his own fees and poundage.
4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality, and shall annex to the precept the roll of such rate and shall by the precept, after reciting the writ and that the Regional Corporation has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect of the general annual rates.
5. If at the time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he shall add a column thereto, headed "Execution rate in A.B. vs. The Regional Municipality of Niagara" (adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.
6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same, to the treasurer of the area municipality.

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be deemed to be officers of the court out of which the writ issued, and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them. R.S.O. 1970, c. 406, s. 164.

Functions
of clerk,
assessors and
collectors

171.—(1) The Corporation of the County of Lincoln and The Corporation of the County of Welland are dissolved on the 1st day of January, 1970.

Counties
dissolved

(2) All the assets and liabilities of the counties of Lincoln and Welland become, on the 1st day of January, 1970, the assets and liabilities of the Regional Corporation, and all documents and records kept by the clerk or treasurer or any other officer of the County of Lincoln or the County of Welland shall be transferred to the officer appointed under section 17. R.S.O. 1970, c. 406, s. 165.

Assets and
liabilities

172.—(1) The Welland County Library Co-operative is dissolved on the 1st day of January, 1970.

Library
Co-operative
dissolved

(2) All the assets and liabilities of The Welland County Library Co-operative become, on the 1st day of January, 1970, assets and liabilities of The Welland County Board of Education. R.S.O. 1970, c. 406, s. 166.

Assets and
liabilities

173.—(1) All suburban roads commissions in the Regional Area are dissolved on the 1st day of January, 1970.

Suburban
roads
commissions
dissolved

(2) All the assets and liabilities of the roads commissions dissolved under subsection (1) become, on the 1st day of January, 1970, the assets and liabilities of the Regional Corporation, and all documents and records kept by any officer of such roads commissions shall be transferred to the officer appointed under section 17. R.S.O. 1970, c. 406, s. 167.

Assets and
liabilities

174.—(1) Except as provided in this Act, the Municipal Board, upon the application of any area municipality or the Regional Corporation may exercise any of the powers under clauses 14 (11) (a), (b) and (d) of the *Municipal Act* in relation to the dissolution of the counties of Lincoln and Welland and the dissolution of the Niagara District Health Unit and suburban roads commissions under this Act.

Adjustment
of assets, etc.

R.S.O. 1980,
c. 302

Disputes

(2) In the event of any doubt as to whether any particular asset or liability is vested in the Regional Corporation under this Act, the Municipal Board upon application has power to determine the matter as sole arbitrator and sections 94 and 95 of the *Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such power. R.S.O. 1970, c. 406, s. 168.

R.S.O. 1980,
c. 347

Conditional
powers

175. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are deemed necessary or advisable to carry out effectively the intent and purposes of this Act. R.S.O. 1970, c. 406, s. 169.

Conflict with
other Acts

176. The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails. R.S.O. 1970, c. 406, s. 170.

Municipal
buildings

177.—(1) The Regional Corporation or an area municipality or the Regional Corporation and one or more area municipalities,

(a) may acquire land for the purpose of constructing municipal buildings; and

(b) may construct municipal buildings for the use of the Regional Corporation or the Regional Corporation and one or more area municipalities or any local board thereof.

Application of
R.S.O. 1980,
c. 302

(2) Section 125 of the *Municipal Act* applies with necessary modifications to any joint undertaking under this section. R.S.O. 1970, c. 406, s. 171.

Interpre-
tation

178.—(1) In this section, “waste” includes ashes, garbage, refuse and domestic or industrial waste of any kind.

Agreement

(2) Where an area municipality has requested the Regional Corporation to provide facilities for the purpose of receiving, dumping and disposing of waste, the Regional Corporation and the area municipality may enter into an agreement for the use and operation of such facilities. R.S.O. 1970, c. 406, s. 172 (1, 2).

Waste
disposal
sites

(3) For the purposes of an agreement under subsection (2), the Regional Corporation may acquire and use land

within the Regional Area and may erect, maintain and operate buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person for such purposes, and may prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon any such land, and may prescribe rates or charges for the use of such property, which rates or charges may relate to the volume, weight, or class of waste, or otherwise, as the Regional Council considers appropriate in the circumstances. R.S.O. 1970, c. 406, s. 172 (3); 1974, c. 117, s. 12.

(4) A by-law passed under paragraph 129 of section 210 of the *Municipal Act* does not apply to the Regional Corporation.

Application
of by-law
under
R.S.O. 1980,
c. 302, s. 210,
par. 129

(5) For the purposes of subsection (3), paragraph 84 of section 210 of the *Municipal Act* applies with necessary modifications. R.S.O. 1970, c. 406, s. 172 (4, 5).

Acquisition
of land
for waste
disposal

179. The Regional Corporation shall appoint a Regional Fire Co-ordinator who shall be responsible for the establishment of an emergency fire service plan and program for the Regional Area, and the Regional Corporation is authorized to expend such sums as it considers necessary to implement such plan and program. R.S.O. 1970, c. 406, s. 173.

Regional
Fire Co-
ordinator

180.—(1) The following boards and committees of the City of St. Catharines are dissolved on the 1st day of January, 1970:

Boards in
St. Catharines
dissolved

1. St. Catharines Community Centres Board;
2. Merriton Ward Community Centre Board;
3. St. Catharines Recreation Committee;
4. The Board of Park Management of St. Catharines,

and on such date all the assets and liabilities of such boards and committees become the assets and liabilities of The Corporation of the City of St. Catharines without compensation. R.S.O. 1970, c. 406, s. 175 (1).

(2) The council of the City of St. Catharines shall be deemed to be a recreation committee under the *Ministry of Culture and Recreation Act* and the regulations thereunder and a board of a community recreation centre under the *Community Recreation Centres Act*. R.S.O. 1970, c. 406, s. 175 (2); 1972, c. 1, s. 61 (2).

Council of
St. Catharines
deemed
community
recreation
centre
board, etc.
R.S.O. 1980,
cc. 276, 80

Application of
R.S.O. 1980,
c. 131, to St.
Catharines

(3) The Corporation of the City of St. Catharines shall be deemed to be an approved corporation under the *Elderly Persons Centres Act*.

Employees

(4) The employees of any board or committee dissolved under this section who were employed by such board or committee on the 1st day of April, 1969, and continue to be so employed until the 31st day of December, 1969, shall be offered employment by the council of the City of St. Catharines.

Application
of s. 24

(5) Subsections 24 (9) and (10) apply with necessary modifications to any employee who accepts employment under subsection (4). R.S.O. 1970, c. 406, s. 175 (3-5).

Boards in
City of Port
Colborne
dissolved

181.—(1) The following boards and committee of the City of Port Colborne are dissolved on the 1st day of January, 1970:

1. Port Colborne—Humberstone Community Centre Board;
2. Port Colborne Parks Community Centre Board;
3. Port Colborne Recreation Committee,

and on such date all the assets and liabilities of such boards and committee become the assets and liabilities of The Corporation of the City of Port Colborne without compensation. R.S.O. 1970, c. 406, s. 176 (1).

Council of
Port
Colborne
deemed
community
recreation
centre
board, etc.
R.S.O. 1980,
cc. 276, 80

(2) The council of the City of Port Colborne shall be deemed to be a recreation committee under the *Ministry of Culture and Recreation Act* and the regulations thereunder and a board of a community recreation centre under the *Community Recreation Centres Act*. R.S.O. 1970, c. 406, s. 176 (2); 1972, c. 1, s. 61 (2).

Employees

(3) The employees of any board or committee dissolved under this section who were employed by such board or committee on the 1st day of April, 1969, and continue to be so employed until the 31st day of December, 1969, shall be offered employment by the council of the City of Port Colborne.

Application
of s. 24

(4) Subsections 24 (9) and (10) apply with necessary modifications to any employee who accepts employment under subsection (3). R.S.O. 1970, c. 406, s. 176 (3, 4).

182.—(1) On the 1st day of July, 1975, the Parks and Recreation Board of the City of Welland is dissolved and the assets and liabilities thereof are vested in and shall be assumed by The Corporation of the City of Welland.

Welland
Parks and
Recreation
Board
dissolved

(2) The council of the City of Welland shall be deemed to be a recreation committee under the *Ministry of Culture and Recreation Act*, and a committee of management under the *Community Recreation Centres Act*, and the regulations thereunder. 1975, c. 46, s. 9.

Council of
Welland
deemed
recreation
committee
and
committee
of
management
R.S.O. 1980,
cc. 276, 80

183. The council of any city in the Regional Area may pass any by-law that a board of commissioners of police of a city is authorized to pass under the *Municipal Act*. R.S.O. 1970, c. 406, s. 177.

Licensing
by-law may
be passed
by councils
of cities
R.S.O. 1980,
c. 302

184. The Regional Corporation shall be deemed to be a local municipality for the purposes of paragraph 10 of section 208 of the *Municipal Act*. R.S.O. 1970, c. 406, s. 178.

Regional
Corporation
deemed
municipality
under
R.S.O. 1980,
c. 302, s. 208,
par. 10

FORM 1

(Section 8 (4))

OATH OF ALLEGIANCE

I,, having been elected (*or* appointed) as chairman of the council of The Regional Municipality of Niagara, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (*or the reigning sovereign for the time being*).

Sworn before me, etc.

R.S.O. 1970, c. 406, Form 1.

FORM 2

(Section 8 (4))

DECLARATION OF QUALIFICATION BY CHAIRMAN

I,, having been elected (*or* appointed) as chairman of the council of The Regional Municipality of Niagara, declare that:

- 1. I am a British subject and am not a citizen or a subject of any foreign country.
- 2. I am of the full age of twenty-one years.
- 3. I am not an officer, employee or servant of any area municipality or any local board of any area municipality.
- 4. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

Declared before me, etc.

R.S.O. 1970, c. 406, Form 2; 1973, c. 54, s. 8.

CHAPTER 439

Regional Municipality of Ottawa-Carleton Act

INTERPRETATION

1. In this Act,

Interpre-
tation

- (a) “area municipality” means the municipality or corporation of the Township of Cumberland, the City of Gloucester, the Township of Goulbourn, the City of Kanata, the City of Nepean, the Township of Osgoode, the City of Ottawa, the Township of Rideau, the Village of Rockcliffe Park, the City of Vanier or the Township of West Carleton;
- (b) “bridge” means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) “chairman” means the chairman of the Regional Council;
- (d) “debt” includes any obligation for the payment of money;
- (e) “highway” and “road” mean a common and public highway or any part thereof, and include a street, bridge, and any other structure incidental thereto or any part thereof;
- (f) “land” includes lands, tenements, and hereditaments, and any other estate or interest therein, and any right or easement affecting them, and land covered with water, and includes any buildings or improvements on land;
- (g) “local board” means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general

or special Act with respect to any of the affairs or purposes, including school purposes, of the Regional Corporation or of an area municipality or of two or more area municipalities or parts thereof;

- (h) "Minister" means the Minister of Intergovernmental Affairs;
- (i) "Ministry" means the Ministry of Intergovernmental Affairs;
- (j) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money other than a by-law passed under section 128;
- (k) "Municipal Board" means the Ontario Municipal Board;
- (l) "Regional Area" means the area from time to time included within the area municipalities;
- (m) "Regional Corporation" means The Regional Municipality of Ottawa-Carleton;
- (n) "Regional Council" means the council of the Regional Corporation;
- (o) "regional road" means a road forming part of the regional road system established under Part IV;
- (p) "roadway" means that part of the highway designed or intended for use by vehicular traffic;
- (q) "United Counties" means the municipality or Corporation of the United Counties of Prescott and Russell;
- (r) "waterworks" means buildings, structures, plant machinery, equipment and appurtenances, devices, conduits, intakes and outlets and underground construction and installations and other works designed for the production, treatment and storage of water and includes lands appropriated for such purposes and uses. R.S.O. 1970, c. 407, s. 1; 1972, c. 3, s. 17 (2); 1973, c. 138, s. 1; 1979, c. 81, s. 1; 1980, c. 57, s. 1.

PART I

INCORPORATION AND COUNCIL

2.—(1) The inhabitants of the Regional Area are continued as a body corporate under the name of “The Regional Municipality of Ottawa-Carleton”. R.S.O. 1970, c. 407, s. 2 (1). Regional Corporation continued

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of the *Municipal Affairs Act* and the *Ontario Municipal Board Act*. R.S.O. 1970, c. 407, s. 2 (2); 1972, c. 1, s. 104 (6). Deemed municipality under R.S.O. 1980, cc. 303, 347

(3) On and after the 1st day of July, 1970, the Regional Area shall continue to be deemed a county for all judicial purposes and shall for such purposes be known and designated as the Judicial District of Ottawa-Carleton. R.S.O. 1970, c. 407, s. 2 (3). Judicial District of Ottawa-Carleton

3.—(1) The powers of the Regional Corporation shall be exercised by the Regional Council and, except where otherwise provided, the jurisdiction of the Regional Council is confined to the Regional Area. Regional Council to exercise corporate powers

(2) Except where otherwise provided, the powers of the Regional Council shall be exercised by by-law. By-laws

(3) A by-law passed by the Regional Council in the exercise of any of its powers and in good faith shall not be open to question, or be quashed, set aside or declared invalid either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them. Not to be quashed as unreasonable

(4) Every person who held an office or appointment under any Act on the 31st day of December, 1968, in and for the County of Carleton shall be deemed, so long as he continues to hold such office or appointment, to have held and to hold such office or appointment on and after the 1st day of January, 1969, in and for The Regional Municipality of Ottawa-Carleton. R.S.O. 1970, c. 407, s. 3. Appointments for County of Carleton deemed appointments for Regional Municipality of Ottawa-Carleton

4.—(1) The Regional Council shall consist of thirty-three members composed of a chairman and, Composition of Regional Council

(a) the head of council of each area municipality;

(b) fifteen members of council from the City of Ottawa being the remainder of the council of the City;

- (c) the member of council of the City of Vanier elected by general vote who at the general municipal election next preceding the day the Regional Council is organized in any year received the highest number of votes or, if no member was elected by general vote, then a member appointed by the council of the City of Vanier;
- (d) two members of the council of the City of Gloucester elected by general vote who at the general municipal election next preceding the day the Regional Council is organized in any year received the highest number of votes, and in the event that either or both of such members decline to accept membership on the Regional Council, the members of the council of the city receiving the next highest number of votes in declining order shall be entitled to be a member or members of the Regional Council; and
- (e) three members of the council of the City of Nepean who have been elected by general vote as members of the Regional Council and of the council of such area municipality. 1980, c. 38, s. 1 (1).

Election of
chairman

(2) At the first meeting of the Regional Council after a regular election at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for the term of the council and until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected. 1978, c. 33, s. 1 (1).

Resignation
from area
council

(3) Where a member of the council of an area municipality becomes chairman, he shall be deemed to have resigned as a member of such council, and his seat on such council thereby becomes vacant. R.S.O. 1970, c. 407, s. 4 (4).

Failure
to elect
chairman

(4) If, at the first meeting of the Regional Council after a regular election a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for the term of the council and until his successor is elected or appointed in accordance with this Act. 1978, c. 33, s. 1 (2).

Acclamation
or equality
of votes

(5) If after any general municipal election, by reason of acclamation or an equality of votes or for any other

reason, it cannot be determined which alderman or councillor of an area municipality is entitled to be a member of the Regional Council, the matter shall be determined by resolution of the council of the area municipality. R.S.O. 1970, c. 407, s. 4 (6).

(6) The members of the Regional Council, other than the chairman, hold office only while they hold the offices that entitled them to such membership and until their successors take office. R.S.O. 1970, c. 407, s. 4 (9); 1973, c. 138, s. 2 (7).

Qualifica-
tion for
member-
ship

5.—(1) The following police villages are dissolved on the 1st day of January, 1974:

Dissolution
of police
villages

1. The Police Village of City View.
2. The Police Village of Cumberland.
3. The Police Village of Kenmore.
4. The Police Village of Manotick.
5. The Police Village of Metcalfe.
6. The Police Village of Navan.
7. The Police Village of North Gower.
8. The Police Village of Orleans.
9. The Police Village of Osgoode.
10. The Police Village of Sarsfield.
11. The Police Village of Vars.

(2) For the purposes of every Act, the dissolutions provided for in subsection (1) shall be deemed to have been effected by orders of the Municipal Board not subject to section 42 of the *Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act made on the 4th day of December, 1973, pursuant to applications made under section 25 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, and, subject to the provisions of this Act, the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such dissolutions, and sections 94 and 95 of the *Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers. 1973, c. 138, s. 3.

Dissolution
deemed by
Municipal
Board orders
R.S.O. 1980,
c. 347

6. No area municipality which has or is entitled to have a deputy reeve shall, notwithstanding the provisions of any Act, have a deputy reeve on or after the 1st day of December, 1980. 1980, c. 38, s. 2.

Abolition
of office of
deputy reeve

Number of
members
on area
councils

7. The council of each area municipality shall continue to be composed of the same number of members as if this Act had not been passed. R.S.O. 1970, c. 407, s. 7.

Alteration
of wards,
etc., by
O.M.B.

8. Notwithstanding the provisions of this or any other Act, upon the application of an area municipality authorized by a by-law of the council thereof, or upon the petition of electors in accordance with the provisions of section 13 of the *Municipal Act*, the Municipal Board may, by order,

R.S.O. 1980,
c. 302

- (a) divide or redivide the area municipality into wards, and shall designate the name or number each ward shall bear and shall declare the date when the division or redivision shall take effect;
- (b) alter or dissolve any or all of the wards in the area municipality and shall declare the date when such alterations or dissolutions shall take effect; or
- (c) vary the composition of the council of the area municipality,

provided that,

- (d) no order made under this section shall alter the total number of members who represent the area municipality on the Regional Council as provided for in this Act; and
- (e) the mayor of the area municipality shall continue to be elected by a general vote of the electors of the area municipality, and shall be the head of the council of the area municipality, and shall be a member of the Regional Council, as provided for in this Act. 1976, c. 43, s. 1.

Order of
L. G. in C.

9. Notwithstanding section 4, the Lieutenant Governor in Council, upon the recommendation of the Minister, may by order authorize such method of selecting the members who represent the area municipality on the Regional Council as is considered advisable following an order of the Municipal Board under section 8. 1977, c. 34, s. 1.

Stay of
proceedings
pending
completion of
inquiry

10. Where the Minister is inquiring into the structure, organization and methods of operation of one or more area municipalities or the Regional Corporation, he may give notice to the Municipal Board of such inquiry and that in his opinion any

application or applications and any petition or petitions made under section 8 should be deferred until the inquiry has been completed and considered, and thereupon all proceedings in any such application are stayed until he gives notice to the Municipal Board that they may be continued. 1979, c. 81, s. 3.

11.—(1) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality after a regular election shall be held not later than the seventh day following the day on which the term of office in respect of which the election was held commences.

First
meeting
of area
councils

(2) The first meeting of the Regional Council after a regular election shall be held after the councils of the area municipalities have held their first meetings under subsection (1), but in any event not later than the fourteenth day following the day on which the term of office in respect of which the election was held commences, on such date and at such time and place as may be fixed by by-law of the Regional Council. 1978, c. 33, s. 2.

First
meeting of
Regional
Council

(3) A person entitled to be a member of the Regional Council in accordance with section 4 shall not take his seat until he has filed with the person presiding at a meeting a certificate under the hand of the clerk of the area municipality that he represents and under the seal of the area municipality certifying that he is entitled to be a member under such section. 1973, c. 138, s. 4, *part*.

Certificate
of qualifi-
cation

(4) The chairman, before taking his seat, shall take an oath of allegiance (Form 1) and a declaration of qualification (Form 2). R.S.O. 1970, c. 407, s. 8 (5).

Oath of
allegiance,
declaration
of qualifi-
cation

(5) No business shall be proceeded with at the first meeting until after the declaration of office in Form 3 of the *Municipal Act* has been made by all members who present themselves for that purpose. 1973, c. 71, s. 1.

Declaration
of office
R.S.O. 1980,
c. 302

(6) The Regional Council shall be deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in subsection 13 (1). R.S.O. 1970, c. 407, s. 8 (7).

When
Council
deemed
organized

12. Subject to section 11, all meetings of the Regional Council shall be held at such place within the Regional Area and at such times as the Regional Council from time to time appoints. R.S.O. 1970, c. 407, s. 9.

Place of
meeting

Quorum,
voting

13.—(1) Sixteen members of the Regional Council representing at least six area municipalities are necessary to form a quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure.

One vote

(2) Subject to subsection (3), each member of the Regional Council has one vote only.

Chairman's
vote

(3) The chairman does not have a vote except in the event of an equality of votes. R.S.O. 1970, c. 407, s. 10.

Vacancies,
chairman

14.—(1) When a vacancy occurs in the office of a chairman who has been appointed by the Lieutenant Governor in Council, some person shall be appointed by the Lieutenant Governor in Council to hold office as chairman for the remainder of the term of his predecessor.

Idem

(2) When a vacancy occurs in the office of a chairman who has been elected under subsection 4 (2), the Regional Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman who may be one of the members of the Regional Council, or any other person, to hold office for the remainder of the term of his predecessor.

Idem

(3) If the Regional Council fails to elect a chairman within twenty days as required by subsection (2), the Lieutenant Governor in Council may appoint a person as chairman to hold office for the remainder of the term of his predecessor. R.S.O. 1970, c. 407, s. 11 (1-3).

Other
members

(4) When a vacancy occurs in the office of a member other than the chairman, the council of the area municipality of which he was a member shall within sixty days after the vacancy occurs appoint a successor in accordance with the qualifications provided for in section 4 to hold office for the remainder of the term of his predecessor. R.S.O. 1970, c. 407, s. 11 (4); 1973, c. 138, s. 5; 1976, c. 43, s. 2.

Vacancy
due to
absence
from
meetings

(5) The seat of a member of the Regional Council becomes vacant if he absents himself continuously from the meetings of the Regional Council during a period of three months without being authorized so to do by a resolution of the Regional Council entered upon its minutes, and the Regional Council shall forthwith declare the seat to be vacant. R.S.O. 1970, c. 407, s. 11 (5).

15.—(1) The Regional Council may by by-law approved ^{Executive Committee} by a two-thirds vote of all members of the Regional Council provide for the appointment of an Executive Committee to be composed of a chairman and four, six, or eight other members of the Regional Council, not more than half of whom shall be members of the council of the City of Ottawa, and the chairman of the Regional Council shall be the chairman of the Executive Committee and entitled to vote as a member thereof.

(2) The Executive Committee shall have all the powers ^{Powers} and duties of a board of control under subsection 71 (1) of the *Municipal Act*, and subsections (2) to (16), (18) and (19) of that section apply with necessary modifications. ^{R.S.O. 1980, c. 302} R.S.O. 1970, c. 407, s. 13 (1, 2).

16. The Regional Council may from time to time establish ^{Committees of council} such standing or other committees, and assign to them such duties as it considers expedient. R.S.O. 1970, c. 407, s. 14 (1).

17. The Regional Council may pass by-laws for governing the ^{Procedural by-laws} proceedings of the Regional Council and any of its committees, the conduct of its members and the calling of meetings. R.S.O. 1970, c. 407, s. 15.

18. The chairman is the head of the Regional Council and the ^{Head of Council} Chief Executive Officer of the Regional Corporation. R.S.O. 1970, c. 407, s. 16.

19.—(1) When the chairman is absent or refuses to act, ^{Acting chairman} or his office is vacant, the Regional Council may by resolution appoint one of its members to act in his place and stead and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

(2) The Regional Council may by by-law appoint a mem- ^{Idem} ber of the Regional Council to act from time to time in the place and stead of the chairman when the chairman is absent from the Regional Area or absent through illness or his office is vacant and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman. 1974, c. 117, s. 1.

20.—(1) Sections 57, 58, 60, 62, 63, 129, 137 to 141, 238, 239, ^{Application of R.S.O. 1980, c. 302} 240 to 244, 247, 248 and 249 of the *Municipal Act* apply with necessary modifications to the Regional Corporation. 1980, c. 38, s. 3.

Idem
R.S.O. 1980,
c. 302

(2) Sections 55, 64, 65 and 107 of the *Municipal Act* apply with necessary modifications to the Regional Council and to every local board of the Regional Corporation. R.S.O. 1970, c. 407, s. 18 (2).

Appointment
of clerk and
his duties

21.—(1) The Regional Council shall appoint a clerk, whose duty it is,

- (a) to record truly in a book, without note or comment, all resolutions, decisions and other proceedings of the Regional Council;
- (b) if required by any member present, to record the name and vote of every member voting on any matter or question;
- (c) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the Regional Council and its committees; and
- (d) to perform such other duties as may be assigned to him by the Regional Council.

Deputy
clerk

(2) The Regional Council may appoint a deputy clerk who shall have all the powers and duties of the clerk.

Acting
clerk

(3) When the office of clerk is vacant or the clerk is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting clerk *pro tempore* who shall have all the powers and duties of the clerk. R.S.O. 1970, c. 407, s. 19 (1-3).

Minutes
open to
inspection,
and copies
to be
furnished

22.—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents in the possession or under the control of the clerk, except interdepartmental correspondence and reports of officials of any department or of solicitors for the Regional Corporation made to the Regional Council or any of its committees, and the clerk within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the Regional Corporation to any applicant on payment at such rate as the Regional Council may, by by-law, establish. R.S.O. 1970, c. 407, s. 20 (1); 1972, c. 126, s. 1.

Index of
by-laws
affecting
land

(2) The clerk shall keep an index book in which he shall enter the number and date of all by-laws passed by the

Regional Council that affect land or the use thereof in the Regional Area but do not directly affect the title to land.

(3) A copy of any record, book or document in the possession or under the control of the clerk, purporting to be certified under his hand and the seal of the Regional Corporation, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs. R.S.O. 1970, c. 407, s. 20 (2, 3).

Copies
certified
by clerk
to be
receivable
in evidence

23.—(1) The Regional Council shall appoint a treasurer who shall keep the books, records and accounts, and prepare the annual financial statements of the Regional Corporation and preserve and file all accounts of the Regional Corporation and who shall perform such other duties as may be assigned to him by the Regional Council.

Appointment
of treasurer

(2) The Regional Council may appoint a deputy treasurer who shall have all the powers and duties of the treasurer.

Deputy
treasurer

(3) When the office of treasurer is vacant or the treasurer is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting treasurer *pro tempore* who shall have all the powers and duties of the treasurer. R.S.O. 1970, c. 407, s. 21.

Acting
treasurer

24.—(1) The treasurer shall receive and safely keep all money of the Regional Corporation, and shall pay out money to such persons and in such manner as the law of Ontario and the by-laws or resolutions of the Regional Council direct, provided that every cheque issued by the treasurer shall be signed by the treasurer and by some other person or persons designated for the purpose by by-law or resolution of the Regional Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized.

Receipt and
disbursement
of money

(2) Notwithstanding subsection (1), the Regional Council may by by-law designate one or more persons to sign cheques in lieu of the treasurer and may by by-law provide that the signature of the treasurer and of any other person authorized to sign cheques issued by the treasurer may be written, stamped, lithographed or engraved on cheques.

Signing of
cheques

Petty cash
fund

(3) The Regional Council may by by-law provide that the treasurer may establish and maintain a petty cash fund of an amount of money sufficient to make change and to pay small accounts, subject to such terms and conditions as the by-law may provide. R.S.O. 1970, c. 407, s. 22 (1-3).

Member of
Council,
when he
may be
paid for
work

(4) Except where otherwise expressly provided by this Act, a member of the Regional Council shall not receive any money from the treasurer for any work or service performed or to be performed, but nothing in this subsection prevents the payment of any moneys under any contract in respect of which the member has complied with section 2 of the *Municipal Conflict of Interest Act*. R.S.O. 1970, c. 407, s. 22 (4); 1973, c. 71, s. 2.

R.S.O. 1980,
c. 305

Treasurer's
liability
limited

(5) The treasurer is not liable for money paid by him in accordance with a by-law or resolution of the Regional Council, unless another disposition of it is expressly provided for by statute. R.S.O. 1970, c. 407, s. 22 (5).

Bank
accounts

25. Subject to subsection 24 (3), the treasurer shall,

- (a) open an account or accounts in the name of the Regional Corporation in such of the chartered banks of Canada or at such other place of deposit as may be approved by the Regional Council;
- (b) deposit all money received by him on account of the Regional Corporation, and no other money, to the credit of such account or accounts, and no other account; and
- (c) keep the money of the Regional Corporation entirely separate from his own money and from that of any other person,

and, notwithstanding subsection 24 (1), the Regional Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the treasurer vary from such provisions. R.S.O. 1970, c. 407, s. 23.

Monthly
statement
by treasurer

26.—(1) The treasurer shall prepare and submit to the Regional Council, monthly, a statement of the money at the credit of the Regional Corporation.

Notice to
sureties

(2) Where the treasurer is removed from office or absconds, the Regional Council shall forthwith give notice to his sureties. R.S.O. 1970, c. 407, s. 24.

27.—(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause by the Regional Council and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation. 1977, c. 34, s. 2.

Appointment
of auditors

(2) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the Regional Corporation and charged back to the local board, and, in the event of a dispute as to the amount of the cost, the Ministry may upon application finally determine the amount thereof. R.S.O. 1970, c. 407, s. 25 (2); 1972, c. 1, s. 1.

Cost of
audit

(3) No person shall be appointed as an auditor of the Regional Corporation who is or during the preceding year was a member of the Regional Council or of the council of an area municipality or of any local board the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the Regional Corporation or an area municipality or any such local board, or any employment with any of them other than for services within his professional capacity. R.S.O. 1970, c. 407, s. 25 (3); 1976, c. 43, s. 3.

Disqualifi-
cation of
auditors

(4) An auditor shall perform such duties as are prescribed by the Ministry, and also such duties as may be required by the Regional Council or any local board of the Regional Corporation that do not conflict with the duties prescribed by the Ministry. R.S.O. 1970, c. 407, s. 25 (4); 1972, c. 1, s. 1.

Duties of
auditors

(5) The Regional Council may provide that all accounts shall be audited before payment. R.S.O. 1970, c. 407, s. 25 (5).

Audit of
accounts
before
payment

28.—(1) Sections 84, 85, 90, 92, 94 and 96, subsections 98 (4) and (5), sections 99, 100, 109 and 117 and paragraphs 29, 45, 46, 47, 48 and 49 of section 208 of the *Municipal Act* apply with necessary modifications to the Regional Corporation.

Application of
R.S.O. 1980,
c. 302

(2) Where the Regional Corporation or a local board thereof employs a person theretofore employed by an area

Pensions

municipality or local board thereof or by the former County of Carleton, the Regional Corporation or local board thereof shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the 13th day of June, 1968 in respect of the employee if such employee was a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the Regional Corporation or local board thereof and such employee shall have uninterrupted membership in the Ontario Municipal Employees Retirement System.

Idem

R.S.O. 1980
c. 348

(3) Where the Regional Corporation or a local board thereof employs a person theretofore employed by an area municipality or a local board thereof, the employee, if he elects in writing, shall be deemed to remain an employee of the area municipality or a local board thereof for the purposes of a supplementary agreement under the *Ontario Municipal Employees Retirement System Act* or any approved pension plan of such area municipality or local board thereof to which the employee was entitled to make contributions and his employment by and service with the Regional Corporation or a local board thereof shall be considered by the respective area municipality or local board thereof to be employment by and service with such area municipality or local board thereof for the purposes of determining eligibility for any accrued benefits under the supplementary agreement, or the approved pension plan of the area municipality or local board thereof.

Idem

(4) On the election of the employee under subsection (3), the Regional Corporation or local board thereof shall deduct from the remuneration of the employee the amount required in accordance with the provisions of the supplementary agreement or the approved pension plan of the area municipality or local board thereof and shall pay in instalments to such area municipality or local board the amount so deducted together with the future service contributions payable under the supplementary agreement or the plan by the area municipality or local board.

Sick leave
credits

(5) Where the Regional Corporation or local board thereof employs a person theretofore employed by an area municipality or local board thereof or by the former County of Carleton or a local board thereof or a suburban roads commission, the employee shall be deemed to remain an employee of the area municipality or local board thereof or of the former County of Carleton for the purposes of any sick leave credit plan of the area municipality, local board thereof or the former County of Carleton until the Regional

Corporation or local board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the Regional Corporation, whereupon the Regional Corporation or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the area municipality or local board thereof or the former County of Carleton.

(6) Where the Regional Corporation or local board thereof employs a person theretofore employed by an area municipality or local board thereof or by the former County of Carleton or a local board thereof or a suburban roads commission, the Regional Corporation or local board thereof shall, during the first year of his employment by the Regional Corporation or local board thereof, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the area municipality or local board thereof or the former County of Carleton. Holiday provisions

(7) The Regional Council shall offer to employ every person who, on the 1st day of May, 1968, is employed by the County of Carleton or by any suburban roads commission or health unit in the County of Carleton or in any undertaking of any area municipality or local board that is assumed by the Regional Corporation under this Act. Offer of continuation of employment
R.S.O. 1970, c. 407, s. 26 (1-7).

(8) The Regional Corporation shall be deemed to be a municipality for the purposes of the *Ontario Municipal Employees Retirement System Act* and a person who was employed by an area municipality or a local board thereof or by a county or by a suburban roads commission or health unit before the 1st day of May, 1968, and who is employed by the Regional Corporation or a local board thereof without intervening employment shall not be deemed to be a person who enters the employ of an employer within the meaning of clause 9 (1) (a) of the *Ontario Municipal Employees Retirement System Act*. Application of R.S.O. 1980, c. 348
R.S.O. 1970, c. 407, s. 26.

(9) Notwithstanding subsections 100 (1) and (6) of the *Municipal Act*, the Regional Council may grant an annual retirement allowance payable weekly, monthly or otherwise, to an employee during his life who has had continuous service for at least ten years with the Regional Corporation, or with the Regional Corporation and any other municipality or local board as defined in the *Municipal Affairs Act*, or any two or more of them, and who, while in the service of the Regional Partial disability benefits R.S.O. 1980, cc. 302, 303

Corporation, has become incapable through illness or otherwise of efficiently discharging his duties, provided that no retirement allowance together with the amount of any pension payments payable to the employee in any year under a pension plan of the Regional Corporation or any local board shall exceed the amount of any retirement allowance to which any such employee would be entitled if the employee were a member of the City of Ottawa Superannuation Fund.

**Annual
retirement
allowance**

(10) Where the Regional Council grants an annual retirement allowance to an employee under subsection (9), the by-law may include provision for continuing the allowance to the surviving spouse, if any, during his or her life in an amount not exceeding one-half of the annual allowance payable to the employee.

**Disability
insurance**
R.S.O. 1980,
c. 218

(11) The Regional Council may enact by-laws for providing by contract with an insurer, licensed under the *Insurance Act*, disability insurance for employees or any class thereof, and for paying all or part of the cost thereof.

**Employee
defined**
R.S.O. 1980,
c. 302

(12) In subsections (9) and (10), "employee" has the same meaning as in paragraph 46 of section 208 of the *Municipal Act*, but does not include an employee who is a member of the City of Ottawa Superannuation Fund. 1973, c. 71, s. 3.

**Offer of
employment**
1973, c. 93

(13) The employees of the local municipalities and the local boards thereof within the Regional Area that were amalgamated to form an area municipality under *The Ottawa-Carleton Amalgamations and Elections Act, 1973*, who were employed by such a local municipality or local board on the 1st day of July, 1973, and continue to be so employed until the 31st day of December, 1973, shall be offered employment by the council of the area municipality with which they are amalgamated.

**Sick leave
credits**

(14) Any sick leave credits standing, on the 31st day of December, 1973, to the credit of any person who accepts employment under subsection (13) shall be placed to the credit of such employee in any sick leave credit plan established by the new employer.

Holidays

(15) Any person who accepts employment under subsection (13) shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the local municipality or local board by which he was formerly employed.

(16) Where under the provisions of this section any employee in the opinion of the Minister experiences any difficulty or hardship with regard to the transfer of any pension rights or sick leave credits, the Minister may by order do anything necessary to remedy or alleviate such difficulty or hardship.

(17) Nothing in this section prevents any employer from terminating the employment of an employee for cause. 1973, ^{Termination of employment} c. 138, s. 7.

29. Where an employee of the Regional Corporation was, on or before the 31st day of December, 1968, participating in an approved pension plan of any area municipality or local board thereof, and such employee is subsequently employed by the Regional Corporation or a local board thereof, ^{Pensions}

(a) the Regional Corporation and such area municipality may, with the approval of the Ministry, enter into one or more agreements to provide for,

(i) the transfer to the Regional Corporation of the contributions of such employee, the contributions of the area municipality and the interest accrued on all such contributions, and

(ii) the sharing of any past deficits or surpluses on a basis that is just and equitable;

(b) the Regional Corporation may, with such proceeds, and any deficit or surplus payments required, establish a pension plan on the same basis, terms and conditions as the approved pension plan of the area municipality, and such plan, when so established shall be deemed to be an approved pension plan for all purposes. 1972, c. 126, s. 2, *part*.

30. Notwithstanding the provisions of section 28, where the Regional Corporation or a local board thereof employs a person theretofore employed by an area municipality or local board thereof without intervening employment, and such person is a contributor under the terms of a supplementary agreement under the *Ontario Municipal Employees Retirement System Act*, of such area municipality or local board thereof which provides a superannuation benefit in excess of the basic amount of pension benefit credited to ^{Super-annuation benefits} R.S.O. 1980, c. 348.

the employee under the Ontario Municipal Employees Retirement System, and such person has elected in writing to remain an employee of the area municipality or local board thereof for purposes of the supplementary agreement,

1961-62, c. 97

- (a) such contributory service of the employee with the area municipality or local board thereof shall be included in calculating the service of the employee with the Regional Corporation or local board thereof for the purposes of a supplementary agreement under *The Ontario Municipal Employees Retirement System Act, 1961-62* of the Regional Corporation or local board thereof which provides a superannuation benefit in excess of the basic amount of pension benefit credited to the employee under the Ontario Municipal Employees Retirement System; and
- (b) all moneys, plus interest, held on behalf of the employee in accordance with a supplementary agreement of an area municipality or local board thereof shall be paid to the Ontario Municipal Employees Retirement Board as a contribution under the supplementary agreement of the Regional Corporation or local board thereof. 1972, c. 126, s. 2, *part.*

PART II

REGIONAL WATERWORKS

Supply and
distribution
of water by
Regional
Corporation

31.—(1) On and after the 1st day of January, 1975, the Regional Corporation shall have the sole responsibility for the supply and distribution of water in the Regional Area, including the establishment, construction, maintenance, operation, improvement and the extension of waterworks systems and the financing thereof, and all the provisions of any general Act relating to such supply and distribution of water and the financing thereof, by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to such supply and distribution of water and the financing thereof by an area municipality or a local board thereof, apply with necessary modifications to the Regional Corporation, except the power to establish a public utilities commission.

Method of
financing

(2) The Regional Corporation may finance the whole or any part of the cost of the construction, operation, main-

tenance and debt charges of such supply and distribution of water by establishing one or more urban service areas with the approval of the Municipal Board, and raising the moneys required by imposing a rate or rates in such area or areas or may raise the moneys required by any other method or methods authorized by law or by any combination thereof.

(3) If the Regional Corporation proceeds under the *Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the Regional Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the Regional Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the Regional Corporation.

Preparation
of special
assessment
roll
R.S.O. 1980,
c. 250

(4) Where the Regional Corporation does not proceed under the *Local Improvement Act* or under section 218 of the *Municipal Act*, the Regional Corporation may require any area municipality to collect the sums required for financing such supply and distribution of water either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality and such special rate does not require the approval of the Municipal Board.

Regional
Corporation
may require
area municipi-
pality to
collect
moneys
R.S.O. 1980,
cc. 250, 302

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to such supply and distribution of water without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

Approval of
O.M.B. to
undertaking,
etc.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection (5) and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

Powers
of O.M.B.

(7) Subject to subsection (11), on and after the 1st day of January, 1975, no area municipality shall have or exercise

Area municipi-
palities, no
power to
supply and
distribute
water

any powers under any Act for such supply and distribution of water, or the financing thereof.

Vesting of
property in
Regional
Corporation

(8) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely for the purpose of the supply and distribution of water in the Regional Area by an area municipality is vested in the Regional Corporation effective the 1st day of January, 1969, and no compensation or damages shall be payable to any area municipality in respect thereof.

Payments
of principal
and interest
to area
municipalities

(9) The Regional Corporation shall pay to the corporation of any area municipality all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under subsection (8), but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under the *Local Improvement Act* is payable as the owners' share of a local improvement work. 1974, c. 117, s. 2, *part*.

R.S.O. 1980,
c. 250

Default

(10) If the Regional Corporation fails to make any payment or portion thereof as required by subsection (9), the area municipality may charge the Regional Corporation interest thereon at the rate of 15 per cent per annum from the date such payment or portion thereof becomes due until made, or at such lower rate of interest as the council of the area municipality by by-law determines. 1979, c. 81, s. 5 (1).

Agreements

(11) The Regional Corporation may enter into agreements with the corporation of any adjoining municipality, including a regional, district or metropolitan municipality in respect of the matters provided for in this Part. 1974, c. 117, s. 2, *part*.

Agreements
with
condominium
corporations

R.S.O. 1980,
c. 84

(12) The Regional Corporation may enter into agreements upon such terms and conditions, including terms as to the payment of fees, as are agreed upon, with a condominium corporation incorporated under the *Condominium Act*, for maintaining and repairing water pipes installed on the condominium property for connecting buildings and other structures on the property with the water works of the Regional Corporation and for maintaining and repairing fire hydrants installed on the property. 1979, c. 81, s. 5 (2).

PART III

REGIONAL SEWAGE WORKS

Interpre-
tation

32.—(1) In this Part,

- (a) "capital improvement" means an addition to or an extension, enlargement, alteration, replacement or other improvement of a work of such nature or character that it is usually and properly accounted for as a capital asset;
- (b) "land drainage" means storm, surface, overflow, subsurface or seepage waters or other drainage from land, but does not include sewage;
- (c) "sewage" means domestic sewage or industrial wastes, or both;
- (d) "sewage works" means an integral system consisting of a sewer or sewer system and treatment works;
- (e) "sewer" means a public sewer for common usage for the purpose of carrying away sewage or land drainage, or both;
- (f) "sewer system" means a system of two or more interconnected sewers having one or more common discharge outlets and includes pumping plant, force mains, siphons and other like work;
- (g) "treatment works" means buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets and other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage or land drainage, or both, and includes land appropriated for such purposes and uses;
- (h) "work" means a sewer, sewer system, sewage works or treatment works, or a capital improvement of any of them.

(2) For the purpose of this Part, a sewer, sewer system or sewage works, whether existing or proposed, shall be deemed to be a trunk sewer, trunk sewer system or trunk sewage works, if so declared by by-law of the Regional Council. R.S.O. 1970, c. 407, s. 28. Idem

33. For the purpose of collecting or receiving from the area municipalities, or any of them, sewage and land drainage and the treatment or disposal thereof, the Regional Corporation has all the powers conferred by any general Act upon a municipal corporation and by any special Act upon an area municipality or local board thereof. R.S.O. 1970, c. 407, s. 29. General powers

Construction, etc., of trunk sewage works

34.—(1) The Regional Council may pass by-laws for constructing, maintaining, improving, repairing, widening, altering, diverting and stopping up trunk sewers, trunk sewer systems, trunk sewage works, treatment works and watercourses. R.S.O. 1970, c. 407, s. 30.

Approval of O.M.B. to undertaking, etc.

(2) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to the collection and disposal of sewage without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme. 1974, c. 117, s. 3.

Assumption of treatment works

35.—(1) The Regional Council shall, before the 1st day of December, 1968, pass by-laws which shall be effective on the 1st day of January, 1969, assuming as regional sewage works all treatment works vested in each area municipality or any local board thereof, and on the day any such by-law becomes effective the works designated therein vest in the Regional Corporation.

Other works

(2) The Regional Council may at any time pass by-laws for assuming any trunk sewer, trunk sewer system, or watercourse vested in any area municipality or local board thereof, but no such by-law becomes effective before the 1st day of January, 1969. R.S.O. 1970, c. 407, s. 31 (1, 2).

Assumption of work

(3) The Regional Council may at any time pass by-laws assuming as a regional work any work vested in or operated by, for or on behalf of any area municipality or local board thereof, and such by-law shall specify the date on which the work becomes vested in the Regional Corporation.

Agreements

(4) The Regional Council may with regard to any work enter into such agreements as it deems necessary. 1973, c. 71, s. 4 (1).

Idem

(5) A by-law under subsection (1), (2) or (3) shall designate and describe the works assumed. R.S.O. 1970, c. 407, s. 31 (3); 1973, c. 71, s. 4 (2).

Extension of time

(6) Notwithstanding subsection (1), a by-law for assuming any specific treatment works may, with the approval of the Municipal Board, be passed after the 1st day of December, 1968, and in that case the by-law becomes effective on the date provided therein.

(7) Where the Regional Corporation assumes a work or watercourse vested in an area municipality or local board, Regional liability

(a) no compensation or damages shall be payable to the area municipality or local board;

(b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such work or watercourse, but nothing in this clause requires the Regional Corporation to pay that portion of the amounts of principal and interest that under the *Local Improvement Act* is payable as the owners' share of a local improvement work. R.S.O. 1980, c. 250
R.S.O. 1970, c. 407, s. 31 (4, 5).

(8) If the Regional Corporation fails to make any payment or portion thereof on or before the due date required by clause (7) (b), the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate of interest as the council of the area municipality determines, from such date until payment is made. Default 1979, c. 81, s. 6.

(9) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the work or watercourse assumed, the Municipal Board, upon application, may determine the matter and its decision is final. Settling of doubts R.S.O. 1970, c. 407, s. 31 (7).

36.—(1) Where an area municipality or a local board thereof has agreed with any other municipality to receive sewage or land drainage from that other municipality, and the works or watercourses used or required in carrying out such agreement are assumed by the Regional Corporation, the Regional Corporation becomes liable to receive such sewage or land drainage in accordance with the agreement and the receiving municipality or local board is relieved of all liability thereunder. Existing agreements

(2) Where an area municipality or a local board thereof has agreed with any person other than a municipality to receive sewage or land drainage and the works or watercourses used or required in carrying out such agreement are assumed by the Regional Corporation, the Regional Corporation becomes liable to receive such sewage or land drainage in accordance with the agreement and the area municipality or local board is relieved of all liability thereunder. Idem

Termination (3) Notwithstanding subsections (1) and (2) and notwithstanding anything in any such agreement, the Municipal Board, upon the application of the Regional Council or of the council of any area municipality or of any person concerned, may by order terminate any such agreement and adjust all rights and liabilities thereunder. R.S.O. 1970, c. 407, s. 32.

**Powers of
area muni-
cipalities
restricted**

37.—(1) Where all the treatment works of an area municipality or any local board thereof are assumed by the Regional Corporation, the area municipality shall not thereafter establish, maintain or operate treatment works without the approval of the Regional Council.

Idem

(2) No area municipality shall establish or enlarge any treatment works after the 1st day of December, 1968 without the approval of the Regional Council. R.S.O. 1970, c. 407, s. 33.

**Regulation
of system,
etc.**

38.—(1) The Regional Council may pass by-laws for the maintenance and management of its sewers, sewer system, sewage works, treatment works and watercourses and regulating the manner, extent and nature of the reception and disposal of sewage and land drainage from the area municipalities and every other matter or thing related to or connected therewith that it may be necessary and proper to regulate in order to secure to the inhabitants of the Regional Area an adequate system of sewage and land drainage disposal. R.S.O. 1970, c. 407, s. 34.

**Control
of sewage**

(2) The Regional Council has all the authority and powers in respect of any sewers which mediately or immediately enter into sewers or treatment works under the jurisdiction of the Regional Corporation as have councils of local municipalities under paragraph 147 of section 210 of the *Municipal Act*.

R.S.O. 1980,
c. 302

Conflict

(3) In the event of conflict between a by-law passed under subsection (2) by the Regional Council and a by-law passed by the council of an area municipality under paragraph 147 of section 210 of the *Municipal Act*, the by-law passed by the Regional Council prevails to the extent of such conflict, but in all other aspects the by-law of the area municipality remains in full effect and force. 1979, c. 81, s. 7.

**Special
benefit**

39.—(1) Where in the opinion of the Regional Council an area municipality or a portion thereof will or may derive a special benefit from the assumption or construction and operation of a work or watercourse, the Regional Council may, with the approval of the Municipal Board, at the time

of authorizing the construction, extension or improvement of the work and at any time in respect of the assumption of the work by by-law provide that the area municipality shall be chargeable with and shall pay to the Regional Corporation the whole or such portion of the capital cost thereof as the by-law specifies, and such by-law is binding on the area municipality.

(2) When an area municipality receives a special benefit ^{Idem} by the extension or improvement of a work and the capital cost of the work has already been apportioned by by-law, the Regional Council may, with the approval of the Municipal Board, repeal or amend any such by-law and reapportion the capital cost of such work among all the area municipalities which receive a special benefit therefrom. 1971, c. 74, s. 2.

(3) Where debentures are issued for the cost of the work, ^{Debenture payments} the area municipality chargeable under the by-law shall make payments to the Regional Corporation with respect to such debentures proportionate to its share of the capital cost as set out in the by-law in the same manner as if debentures for such share had been issued by the Regional Corporation for the purposes of the area municipality.

(4) The area municipality may pay the amounts chargeable to it under this section out of its general funds or, subject to the approval of the Municipal Board, may pass by-laws under section 218 of the *Municipal Act* for imposing sewer rates to recover the whole or part of the amount chargeable to the area municipality in the same manner as if the work were being or had been constructed, extended or improved by the area municipality notwithstanding that in the by-law authorizing the work there was no provision for imposing, with the approval of the Municipal Board, upon owners or occupants of land who derive or will or may derive a benefit from the work, a sewer rate sufficient to pay for the whole or a portion or percentage of the capital cost of the work. R.S.O. 1970, c. 407, s. 35 (2, 3). ^{Raising of money by area municipality} ^{R.S.O. 1980, c. 302}

40.—(1) No municipality or person shall connect any local work, local watercourse, private drain or private sewer to a regional work or watercourse without the approval of the Regional Council. ^{Connection to regional works or water-courses}

(2) The Regional Corporation may enter into a contract with any local municipality outside the Regional Area to receive and dispose of sewage and land drainage from the ^{Agreements with other municipalities}

local municipality on such terms and conditions as may be agreed upon for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time.

Inspection

(3) Any engineer or other officer of the Regional Corporation has power to inspect the plans and specifications of any work referred to in subsection (1) and to inspect the work during its construction and before it is connected with the regional work or watercourse. R.S.O. 1970, c. 407, s. 36.

Standards
for local
systems

41.—(1) The Regional Council may pass by-laws establishing standards for and regulating and governing the design, construction and maintenance of local works connected or to be connected to a regional work or watercourse, and every area municipality and local board shall conform to such by-laws.

Approval
of local
extensions,
etc.

(2) No area municipality or local board thereof shall enlarge, extend or alter any local work or watercourse that discharges into a regional work or watercourse without the approval of the Regional Council. R.S.O. 1970, c. 407, s. 37.

Appeal

42. If the council of an area municipality considers itself aggrieved by the refusal of the Regional Corporation or the Regional Council,

- (a) to assume as a regional work any local work;
- (b) to construct, extend or improve any regional work;
- (c) to receive any required volume of sewage or land drainage from the area municipality;
- (d) to approve the construction, alteration, improvement or extension of a local work;
- (e) to permit a connection or the continuance of a connection to any regional work,

the council may appeal to the Municipal Board, which may make such order as it considers advisable in the matter, and the decision of the Municipal Board is final. R.S.O. 1970, c. 407, s. 38.

Special
sewage
service
rates

43.—(1) The Regional Council may pass by-laws, subject to the approval of the Municipal Board, providing for imposing on and collecting from any area municipality, in respect of the whole or any designated part or parts thereof from which sewage and land drainage is received, a sewage service rate or rates sufficient to pay such portion

as the by-law may specify of the annual cost of maintenance and operation of any regional work or works.

(2) All such charges constitute a debt of the area municipality to the Regional Corporation and shall be payable at such times and in such amounts as may be specified by by-law of the Regional Council. Idem

(3) The area municipality may pay the amounts chargeable to it under any such by-law out of its general funds or may pass by-laws under section 218 of the *Municipal Act* for imposing sewage service rates to recover the whole or part of the amount chargeable to the area municipality. Raising of money by area municipality R.S.O. 1980, c. 302
R.S.O. 1970, c. 407, s. 39.

44. The Regional Council may contribute toward the cost to any area municipality of the separation of sanitary and storm sewers now in existence in the area municipality such amount as it considers proper, not exceeding 25 per cent of the total cost thereof to the area municipality. Contribution towards cost of separation of combined sewers R.S.O. 1970, c. 407, s. 40.

45. The Regional Corporation has, in respect of all works assumed, all the rights, powers, benefits and advantages conferred either by by-law or contract or otherwise upon the area municipality or area municipalities or their local boards with respect to such works before they were assumed by the Regional Corporation and the Regional Corporation may sue upon such rights or under such by-laws or agreements in the same manner and to the same extent as the area municipality or municipalities or local board or boards might have done if such works had not been assumed. Transfer of rights over works assumed R.S.O. 1970, c. 407, s. 41.

46. Any person authorized by the Regional Council has free access from time to time, upon reasonable notice given and request made, to all works within an area municipality and to all lands, buildings and premises used in connection therewith and the right, upon the like notice and request, to inspect and copy all plans, records and specifications and other information relating to the construction, extension or maintenance of such local works. Inspection of local works R.S.O. 1970, c. 407, s. 42.

47. Any works assumed by the Regional Corporation under the authority of section 35, together with any extensions or additions thereto constructed by the Regional Corporation, may be used by the Regional Corporation for the purpose Use of regional works

of receiving and disposing of sewage and land drainage from any or all of the area municipalities and, subject to subsection 40 (2), from any local municipality outside the Regional Area. R.S.O. 1970, c. 407, s. 43.

PART IV

REGIONAL ROAD SYSTEM

Interpre-
tation

48. In this Part,

- (a) "approved" means approved by the Minister or of a type approved by the Minister;
- (b) "construction" includes reconstruction;
- (c) "maintenance" includes repair;
- (d) "Minister" means the Minister of Transportation and Communications;
- (e) "Ministry" means the Ministry of Transportation and Communications;
- (f) "road authority" means a body having jurisdiction and control of a highway. R.S.O. 1970, c. 407, s. 44; 1972, c. 1, s. 100 (2).

Establish-
ment of
regional
road
system

49.—(1) Subject to the approval of the Lieutenant Governor in Council, the Regional Council shall by by-law establish a regional road system in the Regional Area by assuming roads in any area municipality and may include in the system such boundary line roads or portions thereof between the Regional Area and an adjoining county as may be agreed upon between the Regional Council and the council of such county, and the by-law shall designate the roads to be assumed as regional roads and intended to form the regional road system. R.S.O. 1970, c. 407, s. 45 (1).

Approval or
amendment

(2) The Lieutenant Governor in Council may approve the by-law in whole or in part and where the by-law is approved in part only it shall be enforced and take effect so far as approved, but it is not necessary for the Regional

Council to pass any further by-law amending the original by-law or repealing any portion thereof that has not been so approved.

(3) Subject to the approval of the Lieutenant Governor Amendment of by-law in Council, the Regional Council may amend the by-law from time to time by adding roads to or removing roads from the regional road system or in any other manner.

(4) Where a road or a part thereof is added to the Regional roads vested in Regional Corporation regional road system, jurisdiction and control and the soil and freehold of such road or part is thereupon vested in the Regional Corporation.

(5) Where a road or a part thereof is removed from the Roads removed from system regional road system, except by reason of it being stopped up pursuant to section 59, such road or part is thereupon transferred to and jurisdiction and control and the soil and freehold thereof is thereupon vested in the local municipality in which it is situate, and the local municipality may sue upon any rights or under any agreements or by-laws in the same manner and to the same extent as the Regional Corporation in respect of the roads assumed by the local municipality. R.S.O. 1970, c. 407, s. 45 (4-7).

(6) Subject to the approval of the Lieutenant Governor in Consolidating by-law Council, the Regional Council shall, from time to time, pass a by-law consolidating all by-laws relating to the regional road system. 1980, c. 38, s. 4.

(7) Unless assumed as a regional road by the by-law Existing county roads in area mentioned in subsection (1), all roads within the Regional Area or on the boundary between the Regional Area and an adjoining county that, on the 31st day of December, 1968,

(a) form part of the county road system of the County of Carleton; or

(b) lie within the Township of Cumberland and form part of the county road system of the United Counties,

established under *The Highway Improvement Act* shall, on the 1st R.S.O. 1960. c. 171 day of January, 1969, revert or be transferred to and vest in and be under the jurisdiction and control of the corporations of the area

municipalities in which they are situate. R.S.O. 1970, c. 407, s. 45 (9); 1971, c. 61, s. 1.

Plan of construction and maintenance

50. The Regional Council shall adopt a plan of road construction and maintenance, and from time to time thereafter shall adopt such other plans as may be necessary. R.S.O. 1970, c. 407, s. 46 (1).

Contributions towards expenditures
R.S.O. 1980, c. 421

51. Where a contribution has been made from any source whatsoever towards an expenditure made under the provisions of section 89 of the *Public Transportation and Highway Improvement Act*, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs. R.S.O. 1970, c. 407, s. 48.

Expenditure for construction, maintenance or repair

52. The roads forming part of the regional road system shall be maintained and kept in repair by the Regional Council, and in all cases the Minister shall determine the amount of the expenditure for construction or maintenance or for the purchase or maintenance of road machinery, plant and equipment that is properly chargeable to road improvement, and his decision is final. R.S.O. 1970, c. 407, s. 49.

Powers over roads assumed

53. The Regional Corporation has, in respect of the roads included in the regional road system, all the rights, powers, benefits and advantages conferred, and is subject to all liabilities imposed, either by statute, by-law, contract or otherwise upon The Corporation of the County of Carleton or The Corporation of the United Counties or the corporation of the area municipality or the corporations of two or more area municipalities or the corporation of any suburban roads commission which had jurisdiction over the roads before they were assumed by the Regional Corporation, and the Regional Corporation may sue upon such rights or under such agreements or by-laws in the same manner and to the same extent as the County of Carleton or the United Counties or the area municipality or municipalities, as the case may be, might have done if the roads had not been assumed as regional roads. R.S.O. 1970, c. 407, s. 50.

Installation of traffic control devices

54.—(1) The Regional Corporation may construct, install, maintain or remove any works on a highway, other than the King's Highway, including traffic control devices, for the purpose of altering, warning, guiding or regulating the flow of traffic upon, entering or leaving a regional road.

Relocation of intersecting roads

(2) The Regional Corporation may relocate, alter or divert any public road, other than a road under the juris-

diction and control of the Ministry, entering or touching upon or giving access to a regional road.

(3) No road shall be relocated, altered or diverted under subsection (2) without the approval of the area municipality in which the road is located, which approval may be granted upon such terms and conditions as may be agreed upon, or failing such approval or agreement, the approval of the Municipal Board.

Approval

(4) The Municipal Board, before giving its approval under subsection (3), may hold a public hearing and shall give or cause to be given at least ten days notice of the hearing to the clerk of the area municipality concerned and to such other persons in such manner as the Municipal Board may direct and the Municipal Board, as a condition to giving any such approval, may by its order impose such restrictions, limitations and conditions respecting the relocation, alteration or diversion of such road as to the Municipal Board may appear necessary or expedient.

Powers of
Municipal
Board

(5) Where, in relocating, altering or diverting a public road under subsection (2), the Regional Corporation constructs a new road in lieu of the public road, the Regional Corporation may close the public road at the point of intersection with the regional road and may vest the new road and the soil and freehold and jurisdiction and control thereof in the area municipality in which it is situate.

Vesting of
new road
in area
municipality

(6) Where the Regional Corporation constructs a sidewalk, storm sewer, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality may contribute to the cost of such sidewalk, storm sewer, improvement or service and the work may be undertaken in whole or in part under the *Local Improvement Act*. 1972, c. 126, s. 5.

Construction
of storm
sewers, etc.,
on area
municipality
road

R.S.O. 1980,
c. 250

55.—(1) The Regional Corporation is not by reason of assuming a road under this Act liable for the construction or maintenance of sidewalks on any regional road or portion thereof, but the area municipality in which such sidewalks are located continues to be liable for the maintenance of such sidewalks and is responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 284 of the *Municipal Act*, in

Sidewalks
excepted

R.S.O. 1980,
c. 302

respect of a sidewalk on a road over which a council has jurisdiction. R.S.O. 1970, c. 407, s. 51 (1).

Area municipalities may construct sidewalks, etc.

(2) An area municipality may construct a sidewalk, storm sewer or other improvement or service on a regional road but no such work shall be undertaken by a municipal corporation or any individual or company without first obtaining the approval of the Regional Council expressed by resolution.

How cost provided

(3) The cost of any such sidewalk, storm sewer, improvement or service constructed on a regional road may be met out of the general funds of the area municipality or the work may be undertaken as a local improvement under the *Local Improvement Act*.

R.S.O. 1980, c. 250

Area municipality to conform to requirements and be responsible for damages

(4) An area municipality when constructing such a sidewalk, storm sewer, improvement or service on a regional road shall conform to any requirements or conditions imposed by the Regional Council and is responsible for any injury or damage arising from the construction or presence of the sidewalk, storm sewer, improvement or service on the road. 1972, c. 126, s. 6.

R.S.O. 1980, c. 421, s. 106 (4), not to apply

(5) Subsection 106 (4) of the *Public Transportation and Highway Improvement Act* does not apply to a sidewalk constructed on a regional road by the council of a township. R.S.O. 1970, c. 407, s. 51 (5); 1971, c. 61, s. 1.

Intersection of other roads by regional road

56. Where a regional road intersects a road that is under the jurisdiction and control of an area municipality, the continuation of the regional road to its full width across the road intersected, is a part of the regional road system. R.S.O. 1970, c. 407, s. 52.

Dedication of lands abutting regional roads for widening purposes

57. When land abutting on a regional road is dedicated for highway purposes for, or apparently for, the widening of the regional road, the land so dedicated is part of the regional road and the jurisdiction and control and the soil and freehold thereof is vested in the Regional Corporation subject to any rights in the soil reserved by the person who dedicated the land. R.S.O. 1970, c. 407, s. 53.

New roads

58. Subject to the approval of the Lieutenant Governor in Council, the Regional Council may pass by-laws for establishing and laying out new roads and for amending the by-law passed under section 49 by assuming such new roads as

part of the regional road system and the provisions of the *Municipal Act* with respect to the establishment and laying out of highways by municipalities apply with necessary modifications. R.S.O. 1970, c. 407, s. 54.

59. With respect to the regional roads and the regulation of traffic thereon, the Regional Corporation has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation of a city under the *Municipal Act*, the *Highway Traffic Act* and any other Act with respect to highways. R.S.O. 1970, c. 407, s. 55; 1972, c. 126, s. 7.

Powers and liabilities of Regional Corporation

R.S.O. 1980, cc. 302, 198

60.—(1) The Regional Council may, with respect to a regional road, by by-law prohibit or regulate the placing or erecting of,

Erection of gasoline pump and advertising device near regional road

- (a) any gasoline pump within forty-five metres of any limit of a regional road; and
- (b) any sign, notice or advertising device within 400 metres of any limit of a regional road. 1972, c. 126, s. 8, *part*; 1978, c. 87, s. 52 (1).

(2) A by-law passed under this section may provide for the issuing of permits for the placing or erecting of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor. 1972, c. 126, s. 8, *part*.

Permits

61.—(1) No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force unless it has been approved by the Regional Council. 1972, c. 126, s. 8, *part*; 1976, c. 43, s. 5 (1).

By-laws of area municipalities regulating traffic

(2) A by-law submitted for approval of the Regional Council in compliance with subsection (1) may be approved in whole or in part and, where part of a by-law is approved only, that part only shall become operative.

Regional Council may approve by-law in whole or in part

(3) The Regional Council may withdraw its approval to any by-law or any part thereof by notice sent by registered mail to the clerk of the area municipality and such by-law or part thereof shall be deemed to be repealed twenty-one days after the sending of the notice. 1976, c. 43, s. 5 (2).

Withdrawal of approval

Signal-light
devices

(4) All signal-light traffic control devices heretofore or hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the Regional Council, and the Regional Council may delegate any of its powers in respect of the operation of such devices to an officer of the Regional Corporation designated in the by-law.

Contribution
towards cost
of signal-
lights

(5) The Regional Corporation may contribute towards the cost of the erection of signal-light traffic control devices erected by an area municipality. 1972, c. 126, s. 8, *part*.

Traffic
control
within
30 metres of
regional
roads
R.S.O. 1980,
c. 198

(6) Subject to the *Highway Traffic Act*, the Regional Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of thirty metres on either side of the limit of a regional road and, where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict. 1972, c. 126, s. 8, *part*; 1979, c. 81, s. 8.

Speed limits
on regional
roads

62.—(1) The Regional Council may by by-law prescribe a lower or higher rate of speed for motor vehicles driven upon any regional road or any portion of a regional road than is prescribed in subsection 109 (1) of the *Highway Traffic Act*, but such rate of speed shall not be less than 40 kilometres per hour or more than 100 kilometres per hour. 1972, c. 126, s. 8, *part*; 1978, c. 87, s. 52 (2).

Marking
of roads

(2) The regional roads or portions thereof affected by a by-law passed under subsection (1) shall be marked to comply with the regulations made under the *Highway Traffic Act*. 1976, c. 70, s. 1.

Bus lanes,
designation
by by-law

63. The Regional Council or the council of any area municipality may, by by-law, designate any lane on any road over which it has jurisdiction, as a lane solely or principally for use by a public transit motor vehicle and prohibit or regulate the use thereof by vehicles other than public transit motor vehicles to such extent and for such period or periods as may be specified, and for the purpose of this section, "public transit motor vehicle" means a motor vehicle owned and operated by, for or on behalf of the Ottawa-Carleton Regional Transit Commission as part of its passenger transportation service. 1973, c. 71, s. 5.

Use of
untravelling
portions of
regional
roads for
parking

64. The Regional Council may by by-law empower the council of any area municipality to lease or license the use of untravelled surface portions of regional roads within those portions of the area municipality zoned for com-

mercial or industrial purposes to the owners or occupants of property abutting on such roads to be used solely for the parking of vehicles. R.S.O. 1970, c. 407, s. 56.

65. The Regional Corporation may by by-law authorize agreements between the Regional Corporation and the owners or lessees of land abutting on a highway for the construction, maintenance and use of walks for pedestrians over, across or under the highway upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof, and for leasing or licensing the use of untravelled portions of such walks and adjoining lands to persons for such considerations and upon such terms and conditions as may be agreed. R.S.O. 1970, c. 407, s. 57.

Agreements
for
pedestrian
walks

66.—(1) The Regional Council may by by-law authorize agreements between the Regional Corporation and the owners or lessees of land abutting on a highway under the jurisdiction and control of the Regional Corporation for the construction, maintenance and use of buildings, structures or parts thereof, over, across or under the highway upon such terms and conditions as may be agreed and for leasing or licensing the use of the air space over the highway or the lands under the highway to such persons and for such consideration and upon such terms and conditions as may be agreed.

Agreements
respecting
buildings,
etc., above
or beneath
regional
roads

(2) An agreement made under subsection (1) that affects a highway or a highway right of way that is a connecting link, within the meaning of section 21 of the *Public Transportation and Highway Improvement Act*, shall have no effect until approved by the Minister. 1980, c. 38, s. 5.

Approval of
Minister of
Transporta-
tion and
Communica-
tions
R.S.O. 1980,
c. 421

67.—(1) Sections 292 and 294 of the *Municipal Act* do not apply to a bridge or highway crossing or forming a boundary between the Regional Area and an adjoining county where such bridge or highway is included in the regional road system and in the county road system of the county.

Disputes
as to main-
tenance, etc.,
of bridges
and
highways
R.S.O. 1980,
c. 302

(2) When there is a difference between the Regional Council and the council of a county in respect of any such bridge or highway as to the corporation upon which the obligation rests for the constructing, or maintaining of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the Regional Council and the council of the county are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every

Idem

such difference shall be determined by the Municipal Board upon an application by the Regional Corporation or the corporation of the county.

Hearing by
O.M.B.

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities in regard to such bridge or highway, and the Municipal Board may make such order in regard to the same as it considers just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute toward the building and maintaining of such bridge or highway.

Term of
order

(4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive. R.S.O. 1970, c. 407, s. 58.

Boundary
bridges
R.S.O. 1980,
c. 302

68. Clause 261 (1) (b) of the *Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities, and the councils of the area municipalities on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system. R.S.O. 1970, c. 407, s. 59.

Idem

69. Section 276 of the *Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the Regional Area and an adjoining county, and the councils of the area municipality and the local municipality in the adjoining county on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system. R.S.O. 1970, c. 407, s. 60.

Restrictions

R.S.O. 1980,
c. 379

70.—(1) The Regional Council has, with respect to all land lying within a distance of forty-five metres from any limit of a regional road, all the powers conferred on the council of a local municipality by section 39 of the *Planning Act*. R.S.O. 1970, c. 407, s. 61 (1); 1978, c. 87, s. 52 (3).

Conflict
with local
by-law

(2) In the event of conflict between a by-law passed under subsection (1) by the Regional Council and a by-law passed under section 39 of the *Planning Act* or a predecessor of such section by the council of the area municipality in which the land is situate, the by-law passed by the Regional Council prevails to the extent of such conflict, but in all other respects the by-law passed by the council of the area

municipality remains in full force and effect. R.S.O. 1970, c. 407, s. 61 (2).

71.—(1) The Regional Corporation may by by-law designate any regional road, or any portion thereof, as a regional controlled-access road. R.S.O. 1970, c. 407, s. 62 (1); 1972, c. 126, s. 9.

(2) Subject to the approval of the Municipal Board, the Regional Corporation may by by-law close any municipal road that intersects or runs into a regional controlled-access road.

(3) The Municipal Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such time, in such manner and to such persons as the Municipal Board may determine, and may further direct that particulars of objections to the closing shall be filed with the Municipal Board and the Regional Corporation within such time as the Municipal Board shall direct.

(4) Upon the hearing of the application for approval of the closing of a road, the Municipal Board may make such order as it considers proper refusing its approval or granting its approval upon such terms and conditions as it considers proper, and any order of the Municipal Board approving of the closing of a road may contain provisions,

- (a) determining the portion or portions of the road that shall be closed;
- (b) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and
- (c) providing for the doing of such other acts as in the circumstances it considers proper.

(5) Upon the approval of the Municipal Board being so obtained but subject to the provisions of the order of the Municipal Board made on the application for such approval, the Regional Corporation may do all such acts as may be necessary to close the road in respect of which the application is made.

(6) Where, at any time after making application for the approval of the Municipal Board of the closing of a road, the Regional Corporation discontinues its application

or, having obtained such approval, does not proceed with the closing of the road, the Municipal Board may, upon the application of any person whose land would be injuriously affected by the closing of the road and who has appeared upon such application for approval, make such order as to costs against the Regional Corporation as it considers proper and may fix the amount of such costs.

Appeal

(7) Any person who claims to be injuriously affected by the closing of a road may, by leave of the Divisional Court, appeal to that court from any order of the Municipal Board approving the closing of such road, and the Regional Corporation may, upon like leave, appeal from any order of the Municipal Board made on an application under this section.

Leave to appeal

(8) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court considers just.

Practice and procedure on appeal

(9) The practice and procedure as to the appeal and matters incidental thereto shall be in accordance with the rules of court, and the decision of the Divisional Court is final.

R.S.O. 1980, c. 347, s. 95, not to apply

(10) Section 95 of the *Ontario Municipal Board Act* does not apply to an appeal under this section. R.S.O. 1970, c. 407, s. 62 (2-10).

Private roads, etc., opening upon regional controlled-access road

72.—(1) The Regional Corporation may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, gate or other structure or facility as a means of access to a regional controlled-access road and may impose penalties for contravention of any such by-law.

Notice

(2) The Regional Corporation may give notice to the owner of any land requiring him to close up any private road, entranceway, gate or other structure or facility constructed or used as a means of access to a regional controlled-access road in contravention of a by-law passed under subsection (1).

Service of notice

(3) Every notice given under subsection (2) shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail shall

be deemed to have been received on the second day following the mailing thereof.

(4) Where the person to whom notice is given under subsection (2) fails to comply with the notice within thirty days after its receipt, the Regional Corporation may by resolution direct any officer, employee or agent of the municipality to enter upon the land of such person and do or cause to be done whatever may be necessary to close up the private road, entranceway, gate or other structure or facility as required by the notice. Failure to comply with notice

(5) Every person who fails to comply with a notice given under subsection (2) is guilty of an offence and on conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence. Offence R.S.O. 1970, c. 407, s. 63.

(6) Where a notice given under subsection (2) has been complied with, no compensation is payable to the owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a controlled-access road designated under subsection 71 (1) was constructed or used, as the case may be, Compensation

(a) before the day on which the by-law designating the road as a controlled-access road became effective; or

(b) in compliance with a by-law passed under subsection (1), in which case the making of compensation is subject to any provisions of such by-law. 1972, c. 126, s. 10.

73.—(1) Where the Regional Corporation assumes as a regional road any road in an area municipality, other than a road mentioned in subsection 49 (7), Regional liability when road assumed

(a) no compensation or damages shall be payable to the area municipality in which it was vested;

(b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this clause requires the

R.S.O. 1980,
c. 250

Regional Corporation to pay that portion of the amounts of principal and interest that under the *Local Improvement Act* is payable as the owners' share of a local improvement work. R.S.O. 1970, c. 407, s. 64 (1).

Default

(2) If the Regional Corporation fails to make any payment or portion thereof on or before the due date required by clause (1) (b), the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate of interest as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 9.

Settling of
doubts

(3) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the road assumed, the Municipal Board, upon application, may determine the matter and its decision is final. R.S.O. 1970, c. 407, s. 64 (3).

Stopping up
highways

74.—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall so notify the clerk of the Regional Council by registered mail. R.S.O. 1970, c. 407, s. 65 (1).

Agreement

(2) If the Regional Council objects to such stopping up, it shall so notify the council of the area municipality by registered mail within sixty days of the receipt of the notice under subsection (1) and the highway or part thereof concerned shall not be stopped up except by agreement between the area municipality and the Regional Council and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final. R.S.O. 1970, c. 407, s. 65 (2); 1972, c. 126, s. 12.

Where
Regional
Council has
no objection

(3) Where the Regional Council notifies the council of the area municipality that the Regional Council does not object to such stopping up, the Regional Council shall have no further right to object under subsection (2) and the council of the area municipality may proceed to pass a by-law for the stopping up of the highway or part thereof concerned. 1976, c. 43, s. 6.

R.S.O. 1980,
c. 302, s. 298
(6), not to
apply

(4) Subsection 298 (6) of the *Municipal Act* does not apply to such stopping up. R.S.O. 1970, c. 407, s. 65 (3).

Opening up
of highways
by area
municipalities

(5) No area municipality shall open up, establish or assume for public use any highway which intersects with or enters upon any highway in the regional road system, without

the prior written approval of the Regional Corporation.
1973, c. 71, s. 6.

75.—(1) Sections 101, 103, 105, 108 and 111 of the *Public Transportation and Highway Improvement Act* apply with necessary modifications with respect to any regional road. R.S.O. 1970, c. 407, s. 67; 1971, c. 61, s. 1. Application of R.S.O. 1980, c. 421

(2) Section 99 of the *Public Transportation and Highway Improvement Act* applies with necessary modifications to the Regional Corporation. 1972, c. 126, s. 13. Idem

PART V

REGIONAL TRANSPORTATION

76. In this Part,

Interpre-
tation

- (a) "Commission" means the Ottawa-Carleton Regional Transit Commission continued under this Part;
- (b) "Former Commission" means the Ottawa Transportation Commission;
- (c) "passenger transport" means the transportation of passengers for reward by bus or by any other means of transportation except taxi;
- (d) "Urban Transit Area" means the area defined by by-law of the Regional Council under section 79. 1972, c. 126, s. 14, *part*.

77.—(1) The Ottawa-Carleton Regional Transit Commission is continued with the powers, rights, authorities and privileges vested in it by this Act. 1972, c. 126, s. 14, *part*. Ottawa-Carleton Regional Transit Commission continued

(2) The Commission is a body corporate and shall consist of nine members of the Regional Council appointed by by-law of the Regional Council. 1979, c. 81, s. 10 (1). Commission members

(3) Five members of the Commission constitute a quorum. 1979, c. 81, s. 10 (2). Quorum

Former
Commission
dissolved

(4) The Ottawa Transportation Commission is dissolved as of the 1st day of August, 1972.

Exclusive
franchise
in Urban
Transit Area

(5) The Commission has the exclusive right within all parts of the Regional Area from time to time included in the Urban Transit Area to maintain and operate a passenger transport service but such right does not affect the right of any separate school board, board of education, private school or charitable organization to provide passenger transportation for their respective purposes, or the right of any person to operate a passenger transport system within the Urban Transit Area in accordance with a valid operating licence issued to him under *The Public Vehicles Act*, being chapter 392 of the Revised Statutes of Ontario, 1970, on or before the 1st day of January, 1972, and in exercising such right the Commission has the power and duty to establish, maintain, operate, extend, alter, control, manage, construct, repair and equip a system of passenger transport by means of surface, underground or above ground railways, tramways, or buses, or any other means of transportation, except taxis, including such structures and works of every description as may be necessary or convenient upon, along, across, under and over all highways and public places in the Regional Area and all lands and rights-of-way owned, acquired or leased by the Commission. 1972, c. 126, s. 14, *part.*

Fares

(6) The Commission shall fix such fares as it considers proper for the use of its passenger transport system and may provide for different levels of fares when a fare is paid to an employee of the Commission on designated vehicles of the Commission. 1980, c. 38, s. 6.

Parking lots
R.S.O. 1980,
c. 302

(7) Notwithstanding the provisions of the *Municipal Act*, the Commission may establish, construct, manage and operate parking lots and structures for the parking of vehicles in connection with passenger transport systems and charge fees for parking therein and the Regional Council may pass by-laws to regulate and control the parking of vehicles therein or thereon.

Collective
agreements
continued

(8) When a person is employed by the Former Commission on the 1st day of August, 1972 and the employment rights of such person are defined by a collective or other agreement then the Commission is bound by such agreement and stands in the place of the Former Commission in such agreement.

Offer of
employment

(9) Subject to subsection (8), the Commission shall offer to employ any person employed by the Former Commission on the 1st day of August, 1972 upon terms not less favourable as to

remuneration and all other benefits than those enjoyed by such employee on the effective date of this Part.

(10) Notwithstanding the provisions of any other Act, the Commission may provide pension or retirement plans, and the provision of sick pay benefits, medical, hospital, surgical, drug, dental and other insurance plans whether carried on or participated in by the Former Commission or not, and all existing plans are continued and in relation to all such matters the Commission shall stand in the place of the Former Commission. Pension plans, etc.

(11) The Commission may purchase, lease or otherwise acquire and use any real or personal property for its purposes and lease, sell or otherwise dispose of such real or personal property when no longer required by the Commission for its purposes, but real property shall not be purchased or sold without the prior approval of the Regional Corporation. Purchase and disposal of property

(12) The Commission may, and on request shall, release to the Regional Corporation all its interest in assets which cease to be required for the operation of the passenger transport system. 1972, c. 126, s. 14, *part*. Assets not needed

78.—(1) Subject to subsection 77 (5), the Regional Corporation has the exclusive right within the Regional Area to maintain and operate a passenger transport service, but such right does not affect the right of any separate school board, board of education, private school or charitable organization to provide passenger transportation for their respective purposes, or the right of any person to operate a passenger transport system within the Urban Transit Area in accordance with a valid operating licence issued to him under *The Public Vehicles Act*, being chapter 392 of the Revised Statutes of Ontario, 1970, on or before the 1st day of January, 1972, and in exercising such right the Regional Corporation may establish, maintain, operate, extend, alter, control, manage, construct, repair and equip a system of passenger transport by means of surface, underground or above ground railways, tramways or buses, or any other means of transportation, except taxis, including such structures and works of every description as may be necessary or convenient upon, along, across, under and over all highways and public places in the Regional Area. Exclusive franchise

(2) Without limiting the generality of subsection (1), the Regional Corporation has and may exercise through the Regional Area all the powers heretofore or hereafter conferred by any general Act upon a municipal corporation and by any special Act upon any area municipality or local board thereof with respect to passenger transport. General powers

Area municipalities,
prohibition

(3) Except with the approval of the Regional Council, no area municipality shall have or exercise any of the powers heretofore or hereafter conferred on municipal corporations with respect to passenger transport by any general or special Act. 1972, c. 126, s. 14, *part*.

By-laws re,

(4) By-laws may be passed by the Regional Council to,

acquisition
of transit
systems

(a) acquire, by purchase or otherwise, without the approval of the Municipal Board, the passenger transportation facilities and equipment of any person or area municipality;

acquisition
of property

(b) acquire, by purchase or otherwise, any real or personal property required for passenger transport purposes;

passenger
transport
outside
Regional
Area

(c) permit the Commission to transport and convey passengers throughout Ontario, whether by chartered trips or otherwise;

passenger
transport
in Quebec

(d) subject to compliance with the laws of the Province of Quebec, permit the Commission to transport and convey passengers in the Province of Quebec, whether by chartered trips or otherwise and to enter into agreements with municipal corporations and passenger transport operators in the Province of Quebec concerning connecting or reciprocal passenger transport services and shared or sole use of facilities, personnel and equipment;

service
outside
Urban
Transit
Area by
Commission

(e) permit the Commission to provide passenger transport services in any part of the Regional Area outside the Urban Transit Area;

agreements
for service

(f) permit the Commission to enter into agreements with adjoining and area municipalities with respect to the operation by the Commission of a passenger transport system in such municipality;

parking lots

(g) provide for the establishment, construction, management and operation of parking lots for the parking of vehicles in connection with passenger transport systems and to charge fees for and regulate the parking of vehicles therein;

service
outside
Urban
Transit
Area by
agreement

(h) enter into agreements with any person, or area or other municipality for the provision of passenger

transport service in any part of the Regional Area not then included in the Urban Transit Area;

- (i) make regulations governing, regulating and controlling ^{regulations} the conduct of persons on any vehicle or in or upon any land or structure used for or in connection with passenger transport, including requiring the production of proof of fare payment upon the request of any employee of the Commission;
- (j) provide for the preparation, delivery and publication by the Commission of such annual reports, ^{financial statements, regulations, etc.} financial statements, budgets, capital forecasts, estimates and other reports and statements and the utilization of surplus moneys upon such terms and conditions as the by-law may prescribe;
- (k) authorize the Commission to make arrangements ^{temporary borrowing} for temporary borrowings to such total amount and subject to such terms and conditions as the by-law may prescribe. 1972, c. 126, s. 14, *part*; 1980, c. 38, s. 7.

(5) Where, in this Part, the Regional Council undertakes ^{Approval} any matter or work, establishes any regulation or grants any approval, such action shall be authorized by by-law, and may be subject to such terms and conditions as the Regional Council considers proper. 1972, c. 126, s. 14, *part*.

(6) Where, pursuant to clause (4) (*h*), an area municipality has entered into an agreement to provide for passenger transport service outside the Urban Transit Area, the area municipality may pay the costs so incurred, including accumulated deficits, out of its general funds, or, subject to the approval of the Municipal Board as to boundaries, may pass one or more by-laws to impose a special rate or rates in one or more parts of the area municipality which, in the opinion of the council of the area municipality, derive benefit from the provision of passenger transport services. 1975, c. 46, s. 1.

79.—(1) The Regional Council shall by a by-law or by-laws define one or more parts of the Regional Area as an ^{Urban Transit Area} Urban Transit Area, which area, in the opinion of the Regional Council, derives benefit from the provision of passenger transport. 1972, c. 126, s. 14, *part*.

(2) The Regional Council shall annually, by by-law, levy ^{Levy upon area municipalities} against such of the area municipalities as are wholly or partly within the Urban Transit Area such sums as are, in the opinion of the Regional Council, required to meet any

anticipated deficits that may arise out of the total operations of the Commission in such year, and in calculating such levy,

- (a) the Regional Council shall take into account the amount of any subsidies received or to be received by the Regional Corporation for such purpose; and
- (b) the Regional Council may, to such extent as it deems proper in the circumstances, include any expenditures made by the Regional Corporation that are related to the provision, planning, or improvements of public transportation services in the Urban Transit Area,

and any such levy shall make due provision for any surplus or deficit arising out of the total operations of the Commission in the preceding year after taking into account the levy made under this subsection and all applicable subsidies.

Apportion-
ment of
levy

(3) A by-law enacted under subsection (2) or (12) shall apportion the levy against each of such area municipalities in a manner that, in the opinion of the Regional Council, is just and equitable, and without limiting the generality of the foregoing, the Regional Council, in making such apportionment may have regard to the degree of passenger transport services provided, the financial implications of providing such service, equalized assessment, and any other factors and considerations that are, in the opinion of the Regional Council, relevant.

Equalized
assessments

(4) The Ministry of Revenue shall provide to the Regional Corporation such equalized assessment information as it may require for the purposes of any by-law enacted under this section and the provisions of Part IX apply with necessary modifications in the event any equalized assessment is varied by an appeal under that Part or under the *Assessment Act*.

R.S.O. 1980,
c. 31

Advances

(5) The Regional Corporation may advance moneys to the Commission from time to time upon such terms and conditions as the Regional Council may prescribe and any moneys so advanced shall be deemed not to reduce the operation deficit referred to in subsection (2) unless the Regional Council otherwise directs.

Payment of
levy to
Commission

(6) The sums levied under subsection (2), less any advances made under subsection (5), shall be paid by the Regional Corporation to the Commission within thirty days of the making of the levy.

(7) Within ten days of the passing of a by-law under subsection (1), (2) or (12), the clerk of the Regional Council shall give notice thereof to the clerk of any area municipality affected thereby, by prepaid registered post. Notice to area municipalities

(8) Any area municipality affected by a by-law passed under subsection (1), (2) or (12) may appeal to the Municipal Board against such by-law by sending by prepaid registered post to the Municipal Board and to the clerk of the Regional Council a notice in writing setting forth its reasons therefor within thirty days of the passing of such by-law. Appeal

(9) The Municipal Board shall make such inquiries into the matter as it considers necessary and may by order confirm such by-laws or make such amendments if any, to the by-law as it deems proper in the circumstances, and the order of the Municipal Board is final. Hearing

(10) If no appeal is made against the by-law as provided in subsection (8), such by-law is valid, final and binding according to its terms so far as the same ordains, prescribes or directs anything within the proper competence of the Regional Council. Effect of by-law

(11) Any area municipality may pay the amounts chargeable to it under any such by-law out of its general funds, or, subject to the approval of the Municipal Board, may pass one or more by-laws to impose a special rate or rates in one or more defined areas to raise the whole or any part of the amount charged to such area municipality. Special levy by area municipality

(12) Notwithstanding subsection (2), the Regional Council shall, by by-law, levy against such of the area municipalities as are wholly or partly within the Urban Transit Area the sums required to meet the deficit arising out of the total operations of the Commission for the year 1974, and provide for the payment of this levy by instalments on such terms and conditions and at such times during the years 1975, 1976 and 1977 as it deems proper. 1975, c. 46, s. 2. 1974 deficit

80.—(1) All the real and personal property owned by or vested in The Corporation of the City of Ottawa for the use of the Former Commission and all real and personal property owned by or vested in the Former Commission are vested in the Commission. Assets

(2) The Commission shall assume all liabilities of the Former Commission except those referred to in subsection (5), which shall be assumed by the Regional Corporation. Liabilities

No com-
pensation

(3) No compensation or damages shall be payable to the Former Commission or The Corporation of the City of Ottawa in respect of any undertaking, assets and property vested in the Commission under this Part.

Disputes

(4) In the event of any doubt as to whether any particular asset is vested in the Commission or any particular liability is assumed by the Commission or the Regional Corporation the Municipal Board upon application shall determine the matter and its decision is final.

Debenture
payments
to area muni-
cipalities

(5) On and after the 1st day of August, 1972, the Regional Corporation shall pay to each area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of that area municipality in respect of any property vested in the Regional Corporation under this section, or issued by that area municipality for or on behalf of the Former Commission. 1972, c. 126, s. 14, *part*.

Default

(6) If the Regional Corporation fails to make any payment as required by subsection (5), interest shall be payable thereon at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines from the date payment is due until it is made. 1979, c. 81, s. 11.

Settling
of disputes

(7) In the event of any doubt as to whether any outstanding debenture or portion thereof was issued in respect of any property vested in the Commission under this section, or for or on behalf of the Former Commission, the Municipal Board, upon application, may determine the matter and its decision is final.

Debenture
repayments
by
Commission

(8) The Regional Council may pass by-laws to require the Commission to pay to the Regional Corporation amounts required to be raised annually by the Regional Corporation to meet interest, principal and sinking fund instalments on debentures or other debts assumed under this Part or subsequently incurred by the Regional Corporation for public transport purposes, upon such terms as to time, manner of payment and interest, as the by-law may prescribe.

Regional
Area deemed
one urban
municipality
under
R.S.O. 1980,
c. 425

(9) For the purposes of the *Public Vehicles Act*, all passenger transport provided by the Commission within the Regional Area shall be deemed to be within the corporate limits of one urban municipality.

Transfer
of title
R.S.O. 1980,
cc. 445, 230,
43, 375, 52

(10) For the purposes of the *Registry Act*, the *Land Titles Act*, the *Bills of Sale Act*, the *Personal Property Security Act*, the *Bulk Sales Act* and any other Act affecting title to property, it is suffi-

cient to cite this Act to show the transmission of title to the Corporation or the Commission as the case may be and the vesting therein of any real or personal property or any interest therein, but, if an order has been made by the Municipal Board under this Part the order shall be cited as well, and the transfer of assets effected by this Part shall be conclusively deemed to have been made in conformity with each and all such Acts.

(11) The *Municipal Franchises Act* shall not apply to any passenger transport services provided under this Part. R.S.O. 1980,
c. 309,
not to apply

(12) Part XIX of the *Municipal Act* applies to any by-laws passed under this Part. Penalties
R.S.O. 1980,
c. 302

(13) For the purposes of this Part, the Regional Corporation may enter into agreements with any person. 1972, c. 126, s. 14, *part*. Agreements

81. Any employee of the Commission may request any person travelling on the passenger transit system to leave the transit vehicle and may use reasonable force to effect the departure of such person from the vehicle if the employee has reason to believe that such person does not hold a valid bus pass and has not paid the proper fare. 1980, c. 38, s. 8. Removal of
passenger
from transit
vehicle

PART VI

HYDRO-ELECTRIC SERVICES

82. In this Part, Interpre-
tation

- (a) "accumulated net retail equity" means the portion of equity accumulated through debt retirement appropriations recorded for the Rural Power District relating to Ontario Hydro's rural retail system plus the portion of the balance recorded for customers in the Stabilization of Rates and Contingencies Account, in the books of Ontario Hydro;
- (b) "area municipality" means the municipality or corporation of the Township of Cumberland, the Township of Goulbourn or the City of Kanata;
- (c) "Minister" means the Minister of Intergovernmental Affairs;
- (d) "municipal commission" means a hydro-electric commission or public utilities commission entrusted with the control and management of works for the retail distri-

R.S.O. 1980,
c. 423

bution and supply of power in the whole or any part of an area municipality immediately before the 19th day of June, 1980 and established or deemed to be established under Part III of the *Public Utilities Act*;

(e) "power" means electrical power and includes electrical energy;

(f) "regulations" means the regulations made under this Part;

(g) "retail", when used in relation to the distribution and supply of power, refers to the distribution and supply of power at voltages less than 50 kilovolts, but does not refer to works located within a transformer station that transform power from voltages greater than 50 kilovolts to voltages less than 50 kilovolts. 1980, c. 40, s. 1.

Commissions
continued

1980, c. 40

83.—(1) The hydro-electric commission for each of the Township of Goulbourn and the City of Kanata established by *The Ottawa-Carleton Municipal Hydro-Electric Service Act, 1980*, is continued.

Application of
R.S.O. 1980,
cc. 423, 384

(2) Each commission shall be deemed to be a commission established under Part III of the *Public Utilities Act* and a municipal commission within the meaning of the *Power Corporation Act*.

Names of
commissions

(3) Each commission shall be known by the name set out below that relates to the area municipality in respect of which the commission is established:

1. Goulbourn Hydro-Electric Commission.

2. Kanata Hydro-Electric Commission.

Composition

R.S.O. 1980,
c. 308

(4) Each commission shall consist of the mayor of the area municipality in respect of which the commission is established and additional members who are qualified electors under the *Municipal Elections Act* in the area municipality.

When area
municipality
may deter-
mine size of
commission

(5) Except as otherwise provided in this Part, the council of each area municipality shall determine by by-law whether the number of additional members of the commission established in respect of the area municipality shall be two or four.

First
commission,
Goulbourn

(6) For the term expiring with the 30th day of November, 1982, the Goulbourn Hydro-Electric Commission shall consist of the mayor of the Township of Goulbourn and the following additional members who shall be appointed by the council of the Township of Goulbourn:

1. Two members of the Hydro-Electric Commission of the Village of Richmond as it existed immediately before the 19th day of June, 1980.
2. Two persons who reside outside the part of the Township of Goulbourn supplied with power by a municipal commission immediately before the 19th day of June, 1980.

(7) For the term expiring with the 30th day of November, 1982, the Kanata Hydro-Electric Commission shall consist of the mayor of the City of Kanata and four additional members who shall be appointed by the council of the City of Kanata.

First
commission,
Kanata

(8) Where this section provides that one or more members of a municipal commission are to be additional members for a term specified by this section and the number of such members who are qualified electors under the *Municipal Elections Act* is less than the required number of additional members, the council of the area municipality in respect of which the commission was established shall appoint an additional member or additional members so that there will be the required number of additional members of the corporation.

Additional
members
of first
commission
R.S.O. 1980,
c. 308

(9) For terms commencing after the 30th day of November, 1982, the additional members of each commission shall be elected by a general vote of the electors of the area municipality served by the commission, unless before the 1st day of July, 1982 the council of the area municipality provides by by-law that the additional members shall be appointed by the council.

Additional
members of
subsequent
commissions

(10) Members of the council of the area municipality served by a commission may be members of the commission, but the members of the council shall not form a majority of the commission.

Eligibility
of members
of council

(11) Subject to subsections (6) and (7), a member of a commission shall hold office for the same term as the members of council or until his successor is elected or appointed.

Term of
office

(12) The council of an area municipality served by a commission may, by by-law passed with the written consent of the mayor, appoint a delegate from among the members of the council to represent the mayor on the commission.

Delegates

(13) A resignation from the council of an area municipality of a member of the council who is a member of a commission shall be deemed to be a resignation from both the council and the commission.

Resignations

(14) The salaries of the members of the commissions established by subsection (1) for the term expiring with the 30th day of

Salaries

November, 1982 shall be fixed on or before the 1st day of October, 1980 in an amount that does not exceed the highest salary paid to members of the municipal commissions operating in the Regional Area on the 1st day of January, 1980. 1980, c. 40, s. 2.

Powers of
commissions
R.S.O. 1980,
c. 423

84.—(1) Except as herein provided, all the powers, rights, authorities and privileges that are conferred by the *Public Utilities Act* on a municipal corporation with respect to power shall, on and after the 1st day of January, 1981, be exercised on behalf of each area municipality by the commission established in respect of the area municipality and not by the council of any municipality or any other person.

Right to
distribute
and supply
power

(2) Subject to sections 86 and 87, on and after the 1st day of January, 1981, each commission has the sole right to distribute and supply power within the area municipality in respect of which it is established.

Subsisting
contracts

(3) The right of a commission to distribute and supply power is subject to any subsisting contracts for the supply of power made under section 69 of the *Power Corporation Act*.

R.S.O. 1980,
c. 384

Contract
with
Ontario
Hydro

(4) A commission may contract with Ontario Hydro without electoral assent or other approval or authorization for the transmission and supply to the commission of power to be distributed and sold in the area municipality served by the commission.

Idem

R.S.O. 1980,
c. 302

(5) A contract under subsection (4) shall be deemed to be an agreement within the meaning of clause 149 (2) (s) of the *Municipal Act*.

Application of
R.S.O. 1980,
c. 384

(6) Except where inconsistent with the provisions of this Act, the provisions of the *Power Corporation Act* applicable to a municipal corporation that has entered into a contract with Ontario Hydro for the distribution and supply of power to the municipal corporation apply to the commissions.

Direct
customers

(7) With the consent of a commission, Ontario Hydro may distribute and supply power directly to customers in the area municipality in respect of which the commission is established. 1980, c. 40, s. 3.

Establish-
ment of
commission
by by-law
in
Cumberland

85.—(1) The council of the Township of Cumberland, with the consent of Ontario Hydro, may establish by by-law a hydro-electric commission for the Township of Cumberland and, commencing on the date that the council shall specify in the by-law, the commission shall distribute and supply power in all of the Township of Cumberland.

Name of
commission

(2) The commission established under subsection (1) shall be known as the Cumberland Hydro-Electric Commission.

- (3) The Commission established under subsection (1),

Composition
- (a) shall be deemed to be a commission established under Part III of the *Public Utilities Act* and a municipal commission within the meaning of the *Power Corporation Act*; and

(b) shall consist of the mayor of the Township of Cumberland and additional members who are qualified electors under the *Municipal Elections Act* in the Township of Cumberland.
- R.S.O. 1980, cc. 423, 384
- R.S.O. 1980, c. 308
- (4) The council of the Township of Cumberland shall appoint the first additional members of the commission established under subsection (1).

First additional members
- (5) For terms after the first term, the additional members of the commission shall be elected by a general vote of the electors of the area municipality unless, before the completion of the first term of office of the members of the commission, the council of the Township of Cumberland provides by by-law that the additional members shall be appointed by the council.

Subsequent additional members
- (6) Upon the establishment of a commission under subsection (1),

Application of other sections of Act
- (a) subsections 83 (5), (10), (11), (12) and (13), section 84, subsection 87 (2) and sections 89 to 93 shall apply with necessary modifications and, for the purpose, the dates mentioned therein shall be deemed to be the dates that shall be specified in the by-law mentioned in subsection (1); and

(b) the commission, for the purposes of clause (a), shall be deemed to be a commission continued under section 83.
- (7) Until such time as the power conferred by subsection (1) has been exercised,

Review of distribution and supply of power
- (a) the council of the Township of Cumberland shall review the distribution and supply of power within the area municipality at least once in every three years, and shall determine by resolution whether or not it is financially feasible to exercise the power conferred by subsection (1); and

(b) where the council determines as provided in clause (a) that it is financially feasible, the council shall exercise the power conferred by subsection (1).
- 1980, c. 40, s. 4.

Supply of
power in
all areas
of municipa-
lity of
Goulbourn

86.—(1) The council of the Township of Goulbourn, with the consent of Ontario Hydro and without the assent of the municipal electors, by by-law,

- (a) may direct the commission established in respect of the municipality to commence on a day specified by the by-law the distribution and supply of power in all areas of the municipality and on the specified day sections 89 and 93 shall apply with necessary modifications to the assets and employees of Ontario Hydro in the municipality; or
- (b) may dissolve the commission established in respect of the municipality on a day specified by the by-law and on the specified day,
 - (i) all assets under the control and management of and all liabilities of the commission, and all debentures issued in respect of the distribution and supply of power in the municipality are, without compensation, assets and liabilities of Ontario Hydro, and
 - (ii) Ontario Hydro shall commence to distribute and supply power in all areas of the municipality.

Review of
distribution
and supply
of power

(2) Until such time as the power conferred by subsection (1) has been exercised,

- (a) the council of the Township of Goulbourn shall review the distribution and supply of power within the area municipality at least once in every three years and shall determine by resolution whether or not it is financially feasible to exercise the power conferred by subsection (1); and
- (b) where the council of the Township of Goulbourn determines as provided in clause (a) that it is financially feasible for the commission established in respect of the area municipality to distribute and supply power in the entire area municipality, the council, subject to the approval of Ontario Hydro, shall exercise the power conferred by subsection (1). 1980, c. 40, s. 5.

Where
Ontario
Hydro to
distribute
and supply
power

87.—(1) Ontario Hydro shall continue to distribute and supply power in those areas of the townships of Cumberland and Goulbourn that Ontario Hydro served immediately before the 19th day of June, 1980.

(2) The duty of Ontario Hydro under subsection (1) to distribute and supply power in an area municipality is terminated, on the date specified in the by-law, by a by-law passed with the consent of Ontario Hydro by the council of the area municipality under subsection 85 (1) or clause 86 (1) (a).

Termination
of duty to
distribute
and supply
power

(3) Sections 89 and 93 do not apply in respect of the assets and employees of Ontario Hydro in an area municipality mentioned in subsection (1) until the passing of the by-law referred to in subsection (2). 1980, c. 40, s. 6.

Assets
and
employees

88.—(1) On the 1st day of January, 1981, all assets under the control and management of and all liabilities of the municipal commissions in each area municipality are, without compensation, assets under the control and management of and liabilities of the commission established in respect of the area municipality.

Transfer of
assets and
liabilities

(2) Any of the assets, powers and responsibilities of the municipal commissions in an area municipality that pertain to the distribution and supply of power in the area municipality may be transferred by agreement before the 1st day of January, 1981 to the commission established in respect of the area municipality.

Transitional

(3) Notwithstanding subsection (1), the Kanata Hydro-Electric Commission shall purchase from The Hydro-Electric Commission of the City of Nepean and The Hydro-Electric Commission of the City of Nepean shall sell to the Kanata Hydro-Electric Commission the assets pertaining to the retail distribution and supply of power in that portion of the City of Kanata supplied with power by The Hydro-Electric Commission of the City of Nepean immediately before the 19th day of June, 1980, and the purchase price shall be equal to the original cost of the assets less the sum of,

Purchase
by
Kanata
Hydro-
Electric
Commission

(a) the accumulated net retail equity of the customers supplied with power through the assets; and

(b) the accumulated depreciation associated with the assets. 1980, c. 40, s. 7.

89.—(1) On or before the 1st day of January, 1981, each commission shall purchase, on behalf of the area municipality served by the commission, and Ontario Hydro shall sell to the commission, the assets and liabilities of Ontario Hydro that pertain to the distribution and supply of power at retail in the area municipality.

Purchase
of retail
distribution
facilities
from
Ontario
Hydro

(2) The purchases mentioned in subsection (1) shall include equipment leased by Ontario Hydro to retail customers in the area municipalities for the use of power supplied to the retail customers.

Leased
equipment

Purchase
price

(3) The purchase price shall be determined in accordance with the regulations and shall be equal to the original cost of the assets less the sum of,

(a) the accumulated net retail equity of the customers supplied with power through the assets; and

(b) the accumulated depreciation associated with the assets. 1980, c. 40, s. 8.

Interpre-
tation

90.—(1) In this section, “parties” means,

(a) in the case of subsection 88 (3), the Kanata Hydro-Electric Commission and The Hydro-Electric Commission of the City of Nepean; and

(b) in the case of section 89, Ontario Hydro and, in each case, the commission continued under section 83.

Where price
to be
determined
by arbitration

(2) If the purchase price under subsection 88 (3) or section 89 is not determined before the 1st day of January, 1982, either of the parties at any time thereafter may request that the purchase price be determined by a single arbitrator agreed on by the parties.

Application of
R.S.O. 1980,
c. 25

(3) The *Arbitrations Act* applies where a request is made under subsection (2). 1980, c. 40, s. 9.

Vesting
of real
property

91.—(1) All real property transferred by section 88 to the control and management of a commission or otherwise acquired by or for the commission shall be held by the commission in trust for the area municipality served by the commission.

Disposition
of real
property

(2) Where a commission is of the opinion, and so declares by resolution, that any real property under its control and management is not required for its purposes, unless otherwise agreed upon by the commission and the area municipality served by the commission, the real property may be disposed of as follows:

1. In the event that the area municipality served by the commission wishes in good faith to use the real property for a municipal purpose, it shall compensate the commission for the real property at its actual cost, less accrued depreciation as shown on the books of the commission or the assessed value of the real property, whichever is the greater, and when the municipality in good faith no longer wishes to use the real property for a municipal purpose, the area municipality may sell, lease or otherwise dispose of the real property without the assent of Ontario Hydro and may retain the proceeds of the sale, lease or disposition as municipal funds.

2. In the event that the municipality served by the commission does not wish to use the real property in accordance with paragraph 1, the commission shall, as soon as practicable, sell, lease or otherwise dispose of the real property at fair market value on behalf of the municipality and the net proceeds derived from the sale, lease or other disposition of the real property or the compensation paid therefor under this subsection shall be received by the commission and shall be applied in accordance with the *Public Utilities Act*. 1980, c. 40, s. 10. R.S.O. 1980,
c. 423

92. Except as otherwise provided in this Part, sections 129 to 151 apply, with necessary modifications, to any borrowing for the purposes of a commission continued under section 83. 1980, c. 40, s. 11. Borrowing

93.—(1) In this section, “transfer date”, when used in respect of an employee of a municipal commission or Ontario Hydro, means the date on which a commission assumes liability for the payment of the wages or salary of the employee. Interpre-
tation

(2) On or before the 31st day of December, 1980, Ontario Hydro and each municipal commission that supplied power in an area municipality immediately before the 19th day of June, 1980 shall designate those of their full-time employees who were employed in the distribution and supply of power in an area municipality on the 1st day of January, 1980, and who continued such employment until the 31st day of December, 1980 or until their transfer dates, as the case may be, and each commission shall offer employment to the employees designated in respect of the area municipality served by the commission. Transfer
of
employees

(3) A person who accepts employment under this section is entitled to receive, for a period of one year commencing on the transfer date, a wage or salary not less than the wage or salary he was receiving on the day nine months before the transfer date. Wages or
salaries

(4) Each commission shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the 19th day of June, 1980, and a person who accepts employment under this section shall be deemed to continue or to become a member of the System, as the case requires, on his transfer date, and the *Ontario Municipal Employees Retirement System Act* applies to such person as a member of the System. Partici-
pation in
O M E R S.

R.S.O. 1980,
c. 348

(5) When a person who accepts employment under this section with a commission is entitled immediately before this transfer date to the benefit of a supplementary agreement between the Ontario Municipal Employees Retirement Board and a municipal com- Supple-
mentary
agreements

mission that, immediately before the 19th day of June, 1980, supplied power in an area municipality mentioned in subsection 83 (1), the commission shall assume, in respect of the person, all rights and obligations under the supplementary agreement as if the commission had been a party to the agreement in the place of the municipal commission.

Transfer of
pension
credits
from
Ontario
Hydro
Plan

(6) Where a person who accepts employment under this section is a contributor to The Pension and Insurance Fund of Ontario Hydro immediately before his transfer date, the present value of the pension earned by the person in The Pension and Insurance Fund of Ontario Hydro at the transfer date or the contributions of the person in the Fund with interest accumulated and credited to the person in the Fund, whichever is the greater, shall be transferred to the Ontario Municipal Employees Retirement Fund and the person shall be given credit in the Ontario Municipal Employees Retirement System for a period of service equal to the period of service for which he was given credit in The Ontario Hydro Pension and Insurance Plan.

Pension
guarantee

(7) Notwithstanding subsection (4), a person who accepts employment under this section with a commission and who,

- (a) was employed by Ontario Hydro immediately before his transfer date; and
- (b) continues in the employment of a municipal hydro-electric commission until he or his beneficiary becomes entitled to a pension benefit,

is entitled to at least the pension benefit he would have been entitled to under The Ontario Hydro Pension and Insurance Plan if his years of continuous service with the commission had been additional years of continuous service with Ontario Hydro and if there had been no change in the Plan after the 31st day of December, 1980, calculated on the basis of the wage or salary paid to the person by Ontario Hydro and the commission, and the cost, if any, of the pension benefit over the cost of the pension benefit to which the person is entitled under subsection (4) shall be apportioned and paid as provided by the regulations.

Group life
insurance

(8) A person who accepts employment under this section is entitled as a term of his employment to continue as a member of the group life insurance plan in which he was a member with his former employer until the effective date of a common group life insurance plan covering all eligible employees of his new employer.

Idem

(9) On or before the 31st day of December, 1982, each commission shall provide a common group life insurance plan covering all

of the eligible employees of the commission, and the plan shall provide to any person accepting employment under this section, by option or otherwise, insurance coverage not inferior to the insurance coverage to which the person was entitled immediately before his transfer date.

(10) A person who accepts employment under this section shall continue to enjoy the rights and benefits of sick leave entitlements or sick leave insurance provided by his former employer immediately before the transfer date until the new employer establishes a sick leave entitlement plan or sick leave insurance plan, and thereupon the person shall receive allowance or credit for any accrued sick leave rights or benefits.

Sick leave

(11) Each commission shall continue the provision of life insurance to pensioners formerly employed by a municipal commission in the distribution and supply of power in the area municipality served by the commission.

Life insurance provided to pensioners

(12) Nothing in this section prevents an employer from terminating the employment of an employee for cause.

Termination for cause

(13) Where, in the opinion of the Minister, a person who is designated or who accepts employment under this section experiences any difficulty or hardship with regard to life insurance benefits, pension rights, pension benefits or sick leave rights or benefits, the Minister by order may do anything necessary to remedy or alleviate such difficulty or hardship. 1980, c. 40, s. 12.

Special circumstances

94. For the purposes of section 160, the 1st day of January, 1981 shall be deemed to be the date designated by the Minister and on that date the Hydro-Electric Commission of the Village of Richmond is dissolved, any by-laws establishing it shall be deemed to be repealed and the assent of the municipal electors is not required. 1980, c. 40, s. 13.

Dissolution of Hydro-Electric Commission of Village of Richmond

95. The Lieutenant Governor in Council may make regulations,

Regulations

- (a) for the purpose of subsection 88 (3) or subsection 89 (3) in respect of,
 - (i) the method of determining the original cost of the assets or of any asset or of any part of any asset,
 - (ii) the allocation of the original cost of the assets or of any asset or of any part of any asset,
 - (iii) the method of determining the amount of any component of the accumulated net retail equity,

- (iv) the allocation of the accumulated net retail equity or any component of the accumulated net retail equity,
 - (v) the method of calculating accumulated depreciation of any component of accumulated depreciation,
 - (vi) the allocation of accumulated depreciation or any component of accumulated depreciation,
 - (vii) the method of payment of the price of the assets;
- (b) for the purposes of subsection 93 (7) in respect of the apportionment of the excess cost of any benefit referred to in the subsection and the payment of the excess cost or any part thereof. 1980, c. 40, s. 14.

PART VII

PLANNING

Planning
area

R.S.O. 1980,
c. 379

96.—(1) On and after the 1st day of January, 1969, the Regional Area is defined as, and shall continue to be, a joint planning area under the *Planning Act* to be known as the Ottawa-Carleton Planning Area.

Designated
municipality

(2) The Regional Corporation is the designated municipality within the meaning of the *Planning Act* for the purposes of the Ottawa-Carleton Planning Area.

Dissolution
of existing
joint area
and board

(3) On the 1st day of January, 1969, the planning area theretofore constituted under the *Planning Act* and consisting of the cities of Ottawa and Vanier, the Village of Rockcliffe Park and the townships of Fitzroy, Gloucester, March, Nepean and Torbolton, and the planning board thereof, are dissolved.

Subsidiary
planning
areas

(4) Subject to subsection (3), all planning areas and subsidiary planning areas established before the 15th day of June, 1968, that are included in the Ottawa-Carleton Planning Area are subsidiary planning areas within the Ottawa-Carleton Planning Area.

Idem

(5) The City of Ottawa is constituted a subsidiary planning area effective the 1st day of January, 1969.

Proviso

(6) Nothing in subsections (3) and (4) affects any official plan in effect in any part of the Regional Area.

(7) When the Minister of Housing has approved an official plan adopted by the Regional Council, Effect of official plan

(a) every official plan and every by-law passed under section 39 of the *Planning Act* or a predecessor thereof then in effect in the planning area affected thereby shall be amended forthwith to conform therewith; R.S.O. 1980, c. 379

(b) no official plan of a subsidiary planning area shall be approved that does not conform therewith. R.S.O. 1970, c. 407, s. 68.

97.—(1) The Regional Council shall investigate and survey the physical, social and economic conditions in relation to the development of the Ottawa-Carleton Planning Area and may perform such other duties of a planning nature as may be referred to it by any council having jurisdiction in the Planning Area, and without limiting the generality of the foregoing it shall, Planning duties of Regional Council

(a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the Planning Area;

(b) hold public meetings and publish information for the purpose of obtaining the participation and co-operation of the inhabitants of the Planning Area in determining the solution of problems or matters affecting the development of the Planning Area; and

(c) consult with any local board having jurisdiction within the Planning Area.

(2) The Regional Council, before the 31st day of December, 1972, shall prepare an official plan for the Regional Area. Official plan

(3) The Regional Council shall appoint a Planning Director and such other staff as may be considered necessary. Appointment of Planning Director

(4) The Regional Council may appoint such planning committees as it considers necessary. Appointment of committees R.S.O. 1970, c. 407, s. 69 (1-4).

(5) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a planning board for the purposes of section 1, subsection 2 (6) and (7), sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26 and 27, subsection 29 (25), sections 36, 50 and 51 of the *Planning Act* and, Regional Corporation deemed municipality under R.S.O. 1980, c. 379

where the Regional Council meets in respect of matters pertaining to planning for the purposes aforesaid, no separate meeting of the Council as a planning board is required. 1978, c. 33, s. 8.

Idem

R.S.O. 1980,
c. 379

(6) The Regional Council shall be deemed to be a county for the purposes of section 47 of the *Planning Act*.

Agreements
re plans of
subdivision

(7) The Regional Corporation may enter into agreements with area municipalities or persons relating to approval of plans of subdivision.

Agreements
re special
studies

(8) The Regional Corporation, with the approval of the Minister of Housing, may enter into agreements with any governmental authority, or any agency thereof created by statute, for the carrying out of studies relating to the Ottawa-Carleton Planning Area or any part thereof. R.S.O. 1970, c. 407, s. 69 (6-8).

Subsidiary
planning
areas

98.—(1) The Township of Goulbourn, the Township of Rideau and the Township of West Carleton are each constituted a subsidiary planning area effective the 1st day of January, 1974, and the respective councils thereof shall have all the powers of a planning board under the *Planning Act* and no such municipality shall establish a planning board.

Committees
of
adjustment

(2) The councils of the Township of Goulbourn, the Township of Rideau and the Township of West Carleton shall forthwith after the 1st day of January, 1974, each by by-law constitute and appoint a committee of adjustment in their respective municipalities under section 48 of the *Planning Act*, but no such committee shall have any authority to grant consents referred to in section 29 of such Act unless an official plan has been approved for such entire municipality. 1973, c. 138, s. 8.

Designated
municipality

99. The Regional Corporation is the designated municipality within the meaning of the *Planning Act* for the purposes of the Ottawa-Carleton Planning Area and each area municipality is the designated municipality within the meaning of the *Planning Act* for the purposes of the subsidiary planning area it constitutes. 1978, c. 33, s. 9.

Application of
R.S.O. 1980,
c. 379

100. Except as provided in this Part, the provisions of the *Planning Act* continue to apply. R.S.O. 1970, c. 407, s. 70.

PART VIII

HEALTH AND WELFARE SERVICES

Liability for
hospitaliza-
tion of
indigents

R.S.O. 1980,
cc. 410, 389

101. The Regional Corporation shall be deemed to be a city for all the purposes of the provisions of the *Public Hospitals Act* and sections 28 and 29 of the *Private Hospitals Act* respecting

hospitalization and burial of indigent persons and their dependants, and no area municipality has any liability under such provisions. R.S.O. 1970, c. 407, s. 71.

102. The Regional Corporation shall repay to each area municipality any expenses incurred after the 31st day of December, 1968, by the area municipality for the interment of dead bodies required to be interred by the area municipality under the *Anatomy Act*. R.S.O. 1970, c. 407, s. 72.

Liability for burials under R.S.O. 1980, c. 21

103. The Regional Corporation is liable for all costs and expenses incurred after the 31st day of December, 1968, under section 16 of the *Mental Hospitals Act* in respect of the Regional Area and subsections (3) and (4) thereof apply with necessary modifications to the Regional Corporation, and no area municipality is liable for such costs and expenses. R.S.O. 1970, c. 407, s. 73.

Regional Corporation liability under R.S.O. 1980, c. 263

104.—(1) The Regional Corporation is liable for the hospitalization or burial, after the 31st day of December, 1968, of an indigent person or his dependant who was in hospital on the 31st day of December, 1968, and in respect of whom any area municipality, the County of Carleton, or the United Counties was liable because the indigent person was a resident of an area municipality, the County of Carleton, or the Township of Cumberland.

Existing liabilities transferred

(2) Nothing in subsection (1) relieves any area municipality or the United Counties from any liability in respect of hospitalization or burials before the 1st day of January, 1969. R.S.O. 1970, c. 407, s. 74.

Proviso

105. The Regional Council may pass by-laws for granting aid for the construction, erection, establishment, acquisition, maintenance, equipment or carrying on the business of public hospitals including municipal hospitals, public sanatoria, municipal isolation hospitals and other health care facilities in the Regional Area and may issue debentures therefor. R.S.O. 1970, c. 407, s. 75.

Aid to hospitals

106.—(1) On and after the 1st day of January, 1969, the Regional Area shall be deemed to be a health unit incorporated under the *Public Health Act* and, subject to this Part, the provisions of such Act shall apply.

Regional Area deemed to be health unit R.S.O. 1980, c. 409

(2) All local boards of health in the area municipalities and the County of Carleton are dissolved on the 1st day of January, 1969, and all assets and liabilities of such boards become assets and liabilities of the board of health of the health unit.

Dissolution of local health boards

Separation
of Township
of Cumber-
land

(3) On the 1st day of January, 1969, the Township of Cumberland is separated from the health unit of the United Counties.

Boundaries
fixed

(4) Notwithstanding the provisions of any other Act, the boundaries of the health unit established by subsection (1) shall not be altered except by order of the Minister of Health. R.S.O. 1970, c. 407, s. 76.

Constitution
of health
board

107. The board of health of the health unit established under section 106 shall be composed of,

- (a) not more than six members of the Regional Council appointed by the Regional Council; and
- (b) not more than three persons appointed by the Lieutenant Governor in Council upon the recommendation of the Minister of Health. R.S.O. 1970, c. 407, s. 77 (1).

Expenses of
board

108. Notwithstanding the provisions of any other Act, the expenses incurred by the health unit in establishing and maintaining the health unit and performing its functions under the *Public Health Act* or any other Act shall be accounted for, borne and paid by the Regional Corporation. R.S.O. 1970, c. 407, s. 77 (3).

R.S.O. 1980,
c. 409

Liability
respecting
home for
aged
R.S.O. 1980,
c. 203

109. The Regional Corporation shall be deemed to be a city for the purposes of the *Homes for the Aged and Rest Homes Act*, and no area municipality has any authority as to the establishment, erection and maintenance of a home for the aged under that Act. R.S.O. 1970, c. 407, s. 79.

Ottawa
home for
aged vested
in Regional
Corporation

110.—(1) The home for the aged established, erected and maintained by The Corporation of the City of Ottawa, known as Island Lodge and Geriatric Centre, and all real and personal property used for the purposes of such home, are vested in the Regional Corporation on the 1st day of January, 1969, and, subject to subsection (2), no compensation or damages shall be payable to the City in respect thereof.

Existing
debt

(2) The Regional Corporation shall pay to The Corporation of the City of Ottawa before the due date all amounts of principal and interest becoming due upon any outstanding

debt of the City in respect of such home for the aged.
R.S.O. 1970, c. 407, s. 80 (1, 2).

(3) If the Regional Corporation fails to make any payment or portion thereof as required by subsection (2), The Corporation of the City of Ottawa may charge the Regional Corporation interest thereon at the rate of 15 per cent per annum from the date such payment or portion thereof becomes due until made, or at such lower rate of interest as the council of the City may by by-law determine. 1979, c. 81, s. 12.

(4) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of such home for the aged, the Municipal Board, upon application, may determine the matter and its decision is final. R.S.O. 1970, c. 407, s. 80 (4).

111.—(1) The Regional Corporation shall pay to the United Counties the cost of maintenance in the United Counties' home for the aged, incurred after the 31st day of December, 1968, of every resident of that home who was admitted thereto due to residence in an area municipality.

(2) The amount payable by the Regional Corporation under subsection (1) shall be such as may be agreed upon or, failing agreement, as may be determined by the Municipal Board. R.S.O. 1970, c. 407, s. 81.

112.—(1) No area municipality shall be deemed to be a municipality for the purposes of the *Child Welfare Act*.

(2) The Regional Corporation shall pay to the United Counties the cost of child care incurred by the United Counties on or after the 1st day of January, 1969, in respect of children taken into care in the Township of Cumberland by The Children's Aid Society of the United Counties on or before the 31st day of December, 1968, and the amount so payable shall be determined in the same manner as if such amount was determined in accordance with section 88 of *The Child Welfare Act, 1965*. R.S.O. 1970, c. 407, s. 82.

113. Where an order is made under subsection 20 (2) of the *Juvenile Delinquents Act* (Canada) upon an area municipality, such order shall be deemed to be an order upon the Regional Corporation, and the sums of money required to be paid under

Default

Settling of doubts

Residents of United Counties' home for aged

Amount of maintenance payment

Area municipality not deemed municipality under R.S.O. 1980, c. 66

Liability of Regional Corporation to United Counties

1965, c. 14

Liability under order made under R.S.C. 1970, c. J-8

such order shall be paid by the Regional Corporation and not by the area municipality. R.S.O. 1970, c. 407, s. 83.

Liability of
Regional
Corporation
under
R.S.O. 1980,
c. 188

114. The Regional Corporation shall be deemed to be a county for the purposes of the *General Welfare Assistance Act*, and no area municipality shall be deemed to be a municipality for the purposes of such Act, except section 2 thereof. 1975, c. 46, s. 3.

Liability of
Regional
Corporation
under
R.S.O. 1980,
cc. 200, 111

115.—(1) The Regional Corporation shall be deemed to be a county for the purposes of the *Homemakers and Nurses Services Act* and the *Day Nurseries Act*, and no area municipality shall be deemed to be a municipality for the purposes of such Acts. 1975, c. 46, s. 4.

Services to
be supplied
on request
of area
municipality

(2) Notwithstanding subsection (1), the Regional Council shall not provide services under the Acts mentioned in subsection (1) except in those area municipalities requesting such services, and such municipalities shall pay the cost thereof in the manner determined by the Regional Council. R.S.O. 1970, c. 407, s. 86 (2).

Information

116. Every area municipality and every officer or employee thereof shall, at the request of the officers of the Regional Corporation who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Part. 1972, c. 126, s. 16.

Adjustments

117. In the event that there is any doubt as to whether the Regional Corporation is liable under section 104, subsection 111 (1), subsection 112 (2) or section 113 in respect of the liabilities imposed therein, the matter may be settled by agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board. R.S.O. 1970, c. 407, s. 88.

PART IX

FINANCES

Interpre-
tation

118. In this Part,

(a) "local municipality" means the Township of Fitzroy, the Township of Huntley, the Township of Marlborough, the Township of North Gower, the Village of Richmond, the Village of Stittsville or the Township of

Torbolton, as those municipalities existed on the 31st day of December, 1973, and includes those local municipalities, portions of which are described in the Schedule to *The Ottawa-Carleton Amalgamations and Elections Act, 1973*; 1973, c. 93

(b) "merged area" means a local municipality that under *The Ottawa-Carleton Amalgamations and Elections Act, 1973*, was amalgamated with another local municipality or part of a local municipality that was annexed to a local municipality to constitute an area municipality;

(c) "rateable property" includes business and other assessment made under the *Assessment Act, 1973*, c. 138, s. 9. R.S.O. 1980, c. 31

119.—(1) Section 169 of the *Municipal Act* applies with necessary modifications to the Regional Corporation. R.S.O. 1970, c. 407, s. 90.

Investment of moneys not immediately required
R.S.O. 1980, c. 302

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of section 35 of the *Credit Unions and Caisses Populaires Act, 1979*, c. 81, s. 13.

Deemed municipality for purposes of
R.S.O. 1980, c. 102

YEARLY ESTIMATES AND LEVIES

120.—(1) The Regional Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the Regional Corporation, including the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Ministry may from time to time prescribe. R.S.O. 1970, c. 407, s. 91 (1); 1972, c. 1, s. 1.

Yearly estimates

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and amount as the Ministry may approve but shall not make any allowance for payments to be received during the current year under the *Ontario Unconditional Grants Act, 1970*, c. 407, s. 91 (2); 1972, c. 1, s. 1.

Allowance to be made in estimates

R.S.O. 1980, c. 359

121.—(1) The Regional Council in each year shall levy against the area municipalities a sum sufficient,

Levy on area municipalities

- (a) for payment of the estimated current annual expenditures as adopted; and
- (b) for payment of all debts of the Regional Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the Regional Corporation is liable under this Act. 1972, c. 126, s. 17, *part*.

Apportionment

(2) The Regional Council shall ascertain and by by-law direct what portion, expressed in dollars and as a percentage, of the sum mentioned in subsection (1) shall be levied against and in each area municipality. 1980, c. 38, s. 10.

Idem

(3) Subject to subsection (10), all amounts levied under subsection (1) shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the Regional Area, according to the last revised assessment rolls. 1972, c. 126, s. 17, *part*.

Equalized assessment

(4) The Ministry of Revenue shall revise, equalize and weight the last revised assessment rolls of the area municipalities and, for the purpose of subsection (3), the last revised assessment rolls for the area municipalities as so revised, equalized and weighted by the Ministry of Revenue shall be deemed to be the last revised assessment rolls of the area municipalities. 1973, c. 138, s. 10, *part*.

When subs. (4) ceases to apply

(5) Subsection (4) shall cease to apply on a date to be determined by order of the Minister. 1972, c. 126, s. 17, *part*.

Copy to Regional Corporation and area municipality

(6) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment, the Ministry of Revenue shall notify the Regional Corporation and each of the area municipalities of the revised, equalized and weighted assessment of each area municipality.

Appeal

(7) If any area municipality is not satisfied with the assessment as revised, equalized and weighted by the Ministry of Revenue, the area municipality may appeal from the decision of the Ministry of Revenue by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised, equalized and weighted assessment was sent to the area municipality by the Ministry of Revenue.

(8) Every notice of revision, equalization and weighting made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision, equalization and weighting.

Idem

(9) Where the last revised assessment of the area municipality has been revised, equalized and weighted by the Ministry of Revenue and has been appealed, the Regional Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection (2) so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and,

Amendment
of by-law
where
necessary
following
appeal

(a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the treasurer of the Regional Corporation; and

(b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the treasurer of the Regional Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the treasurer of the Regional Corporation shall pay the amount of the decrease to the treasurer of the area municipality. 1973, c. 138, s. 10, *part*.

(10) The apportionment of the levy among the area municipalities as provided for in subsections (2) and (3) shall be based on the full value of all rateable property, and notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 22 of the *Assessment Act*, or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of the *Assessment Act*. 1972, c. 126, s. 17, *part*.

Fixed
assessments,
etc., not to
apply

R.S.O. 1980,
c. 31

(11) The assessment upon which the levy shall be apportioned among the area municipalities shall include the valuations of all properties for which payments in lieu of taxes which include a payment in respect of regional levies are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or Ontario Hydro to any area municipality, and shall

Assessment
to include
valuations
on properties
for which
payments
in lieu of
taxes paid

R.S.O. 1980,
cc. 302, 402,
359

include the amount by which the assessment of a municipality shall be deemed to be increased by virtue of payments under sections 160 and 161 of the *Municipal Act*, section 4 of the *Provincial Parks Municipal Tax Assistance Act*, and subsection 8 (1) of the *Ontario Unconditional Grants Act*.

Valuation of
properties

(12) Within fourteen days of a request by the Ministry of Revenue, the clerk of an area municipality shall transmit to the Ministry of Revenue a statement of the payments referred to in subsection (11) and the Ministry of Revenue shall revise, equalize and weight the valuations of these payments and shall notify the Regional Corporation and the appropriate area municipality of such valuations. 1973, c. 138, s. 10, *part*.

Levy
by-laws

(13) One by-law or several by-laws for making the levies may be passed as the Regional Council may consider expedient.

Regional
levy
R.S.O. 1980,
c. 31

(14) Subject to subsections 36 (4), (5) and (6) of the *Assessment Act*, in each area municipality the regional levy shall be calculated and levied upon the whole rateable property rateable for such purpose within such area municipality according to the last revised assessment roll thereof.

Payment

(15) All moneys levied against an area municipality under the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the Regional Corporation and the treasurer of every area municipality shall pay the moneys so levied to the treasurer of the Regional Corporation at the times and in the amounts specified by the by-law of the Regional Council mentioned in subsection (2). 1972, c. 126, s. 17, *part*.

Default

(16) If an area municipality fails to make any payment or portion thereof as provided in the by-law, the area municipality so in default shall pay to the Regional Corporation interest thereon at the rate of 15 per cent per annum from the date such payment becomes due until made, or such lower rate as the Regional Council may by by-law determine, providing that such rate of interest shall be uniform throughout the Regional Area. 1979, c. 81, s. 14.

Advance
payments

(17) Any by-law passed under this section may provide that the Regional Corporation shall pay interest at a rate to be determined by the Regional Council on any payment of an annual levy or a part thereof made in advance by any area municipality. 1972, c. 126, s. 17, *part*.

122.—(1) The Ministry of Revenue shall revise, equalize and weight each part of the last revised assessment roll of the area municipalities that relates to a merged area and each such part of the last revised assessment roll of each of the area municipalities as revised, equalized and weighted is final and binding.

Equaliza-
tion of
assessment
of merged
areas

(2) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment in an area municipality under subsection (1), the Ministry of Revenue shall notify the area municipality of the revised, equalized and weighted assessment.

Notice

(3) The net regional levy and the sums adopted in accordance with section 164 of the *Municipal Act* for all purposes, excluding school purposes, levied against the whole rateable property of an area municipality shall be apportioned among the merged areas of such area municipality in the proportion that the total equalized and weighted assessment of each merged area bears to the total equalized and weighted assessment of the area municipality, both according to the last revised assessment roll as equalized and weighted by the Ministry of Revenue under subsection (1), and subsection 26 (9) of the *Assessment Act* shall not apply to any apportionment by an area municipality under this subsection.

Apportion-
ment among
merged areas
R.S.O. 1980,
cc. 302, 31

123.—(1) Notwithstanding subsection 121 (3), where the Regional Council is of the opinion that a percentage share as determined by the application of subsection 121 (3) is not just and equitable, it may in the by-law passed under subsection 121 (2) make an apportionment for Regional purposes that is just and equitable and such by-law shall have appended thereto as a schedule a statement of the apportionment, expressed in dollars and as a percentage, that would have been made among the area municipalities but for the application of this section.

Alternative
apportion-
ment

(2) Where the Regional Council makes an apportionment under subsection (1), the clerk of the Regional Corporation shall within ten days forward a copy of the by-law to each area municipality.

Copy of
by-law to
area muni-
cipalities

(3) An area municipality that is not satisfied with the by-law passed under subsection (1) may appeal to the Municipal Board within thirty days of the passing of the by-law by giving notice in writing, by registered mail, to the Municipal Board, the clerk of the Regional Municipality, and every other area municipality.

Appeal to
O.M.B.

(4) Upon receipt of the notice of appeal under subsection (3), the Municipal Board shall arrange a time and place for hearing the

Hearing by
O.M.B.

appeal and shall send a notice thereof by registered mail to all parties concerned in the appeal at least fourteen days before the hearing and shall hear and dispose of the appeal.

Adjustments

(5) Where, as a result of a decision of the Municipal Board under subsection (4), there is an adjustment required to be made, the Regional Council shall forthwith amend the by-law passed under subsection 121 (2) so as to make the apportionment among the area municipalities according to the percentage shares as revised by the Municipal Board, and,

(a) where the share levied against an area municipality is thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the treasurer of the Regional Corporation; and

(b) where the share levied against an area municipality is thereby decreased, the treasurer of the area municipality shall be liable to pay the treasurer of the Regional Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the treasurer of the Regional Corporation shall pay the amount of the decrease to the treasurer of the area municipality. 1980, c. 38, s. 11.

Levy authorized before estimates adopted

124.—(1) Notwithstanding section 121, the Regional Council may, in any year before the adoption of the estimates for that year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the Regional Council in the preceding year against that area municipality for general municipal purposes, and subsections 121 (15) and (16) apply to such a levy.

Levy under s. 121 to be reduced

(2) The amount of any levy made under subsection (1) shall be deducted from the amount of the levy made under section 121. R.S.O. 1970, c. 407, s. 93.

Levy by area municipality before estimates adopted

(3) Notwithstanding section 122, the council of an area municipality may in any year before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, on the whole of the assessment for real property including business assessment in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters.

(4) The amount of any levy under subsection (3) shall be deducted from the amount of the levy made under section 121.

Levy under
s. 121 to be
reduced

(5) Subsection 159 (5) of the *Municipal Act* applies to levies made under this section. 1973, c. 138, s. 12.

Application of
R.S.O. 1980,
c. 302, s. 159
(5)

125.—(1) For the purposes of levying taxes under Part IV of the *Education Act*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the area municipality shall be deemed to be the council of each such merged area.

Rates under
R.S.O. 1980,
c. 129

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of the application of section 222 of the *Education Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 122 (1).

Rates for
public school
purposes on
commercial
assessment

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 222 of the *Education Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 122 (1).

Rates for
public school
purposes on
residential
assessment

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 222 of the *Education Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 122 (1).

Rates for
secondary
school
purposes on
commercial
assessment

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 222 of the *Education Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school

Rates for
secondary
school
purposes on
residential
assessment

purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 122 (1).

Regulations
under
R.S.O. 1980,
c. 129
to apply

(6) Notwithstanding subsections (2), (3), (4) and (5), where, in any year, a regulation is in force under section 214 of the *Education Act*, the apportionments referred to in the said subsections (2), (3), (4) and (5) shall be made in accordance with the regulation. 1973, c. 138, s. 13, *part*.

Transitional
adjustments

126. The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section. 1973, c. 138, s. 13, *part*.

RESERVE FUNDS

Reserve
funds

127.—(1) The Regional Council may in each year provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds. 1976, c. 70, s. 3 (1).

Investments
and income

(2) The moneys raised for a reserve fund established under subsection (1) shall be paid into a special account and may be invested in such securities as a trustee may invest in under the *Trustee Act*, and the earnings derived from the investment of such moneys form part of the reserve fund. R.S.O. 1970, c. 407, s. 94 (2).

R.S.O. 1980,
c. 512

Expenditure
of reserve
fund moneys

(3) The moneys raised for a reserve fund established under subsection (1) shall not be expended, pledged or applied to any purpose other than that for which the fund was established, unless approved by the Regional Council. 1976, c. 70, s. 3 (2).

Auditor to
report on
reserve funds

(4) The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection (1). R.S.O. 1970, c. 407, s. 94 (4).

TEMPORARY LOANS

Current
borrowings

128.—(1) The Regional Council may by by-law, either before or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize

the chairman and treasurer to borrow from time to time by way of promissory note such sums as the Regional Council considers necessary to meet, until the levies and other revenues are received, the current expenditures of the Regional Corporation for the year, including the amounts required for principal and interest falling due within the year upon any debt of the Regional Corporation and the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation. R.S.O. 1970, c. 407, s. 95 (1); 1972, c. 126, s. 18.

(2) The amount that may be borrowed at any one time for the purposes mentioned in subsection (1), together with any similar borrowings that have not been repaid, shall not, except with the approval of the Municipal Board, exceed 70 per cent of the uncollected balance of the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the year. Limit upon borrowings

(3) Until such estimates are adopted, the limitation upon borrowing prescribed by subsection (2) shall temporarily be calculated upon the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the next preceding year. Temporary application of estimates of preceding year

(4) The lender is not bound to establish the necessity of borrowing the sum lent or to see to its application. Protection of lender

(5) Any promissory note made under the authority of this section shall be sealed with the seal of the Regional Corporation and signed by the chairman or by some other person authorized by by-law to sign it, and by the treasurer, and may be expressed so as to bear interest only upon such money as may be borrowed thereon from the time when such money is actually lent. R.S.O. 1970, c. 407, s. 95 (2-5). Execution of promissory notes

(6) The signature of the chairman or any other person authorized to sign promissory notes may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced. 1977, c. 34, s. 3. Idem

(7) The Regional Council may by by-law provide or authorize the chairman and treasurer to provide by agreement that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, Creation of charge

be a charge upon the whole or any part or parts of the revenues of the Regional Corporation for the current year and for any preceding years as and when such revenues are received; provided that such charge does not defeat or affect and is subject to any prior charge then subsisting in favour of any other lender.

Execution of agreements

(8) Any agreement entered into under subsection (7) shall be sealed with the corporate seal and signed by the chairman and treasurer.

Penalties for excess borrowings

(9) If the Regional Council authorizes the borrowing of or borrows any larger amount than is permitted under this section, every member who knowingly votes therefor is disqualified from holding any municipal office for two years.

Penalty for misapplication of revenues by Regional Council

(10) If the Regional Council authorizes the application of any revenues of the Regional Corporation charged under the authority of this section otherwise than in repayment of the loan secured by such charge, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Penalty for misapplication of revenues by officials

(11) If any member of the Regional Council or officer of the Regional Corporation applies any revenues so charged otherwise than in repayment of the loan secured by such charge, he is personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction. R.S.O. 1970, c. 407, s. 95 (6-10).

Saving as to penalties

(12) Subsections (9), (10) and (11) do not apply to the Regional Council or any member of the Regional Council or officer of the Regional Corporation acting under an order or direction issued or made under the authority of Part III of the *Municipal Affairs Act*, nor do they apply in any case where application of the revenues of the Regional Corporation is made with the consent of the lender in whose favour a charge exists. R.S.O. 1970, c. 407, s. 95 (11); 1972, c. 1, s. 104 (6).

R.S.O. 1980, c. 303

DEBT

Debt

R.S.O. 1980, c. 347

129.—(1) Subject to the limitations and restrictions in this Act and the *Ontario Municipal Board Act*, the Regional Council may borrow money for the purposes of,

(a) the Regional Corporation;

(b) any area municipality;

- (c) the joint purposes of any two or more area municipalities,

whether under this or any general or special Act, and may issue debentures therefor on the credit of the Regional Corporation.

(2) All debentures issued pursuant to a by-law passed by the Regional Council under the authority of this Act are direct, joint and several obligations of the Regional Corporation and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities but nothing in this subsection affects the rights of the Regional Corporation and of the area municipalities respectively as among themselves.

(3) Notwithstanding any general or special Act, no area municipality has, after the 31st day of December, 1968, power to issue debentures, except that the City of Ottawa, the City of Vanier and the Village of Rockcliffe Park may, with the approval of the Municipal Board, issue debentures for school purposes during the year 1969.

(4) When an area municipality, prior to the 31st day of December, 1968,

- (a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 64 (1) of *The Ontario Municipal Board Act*, being chapter 274 of the Revised Statutes of Ontario, 1960; and

- (b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

the Regional Council, upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the Regional Corporation for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 131, and no further approval of the Municipal Board is required.

(5) Bonds, debentures and other evidences of indebtedness of the Regional Corporation shall be deemed to be

Liability

Limitation:
exception

Uncompleted
works

Bonds,
debentures,
etc., trustee
investments

R.S.O. 1980,
c. 512

bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of the *Trustee Act*. R.S.O. 1970, c. 407, s. 96.

Power to
incur debt
or issue
debentures
R.S.O. 1980,
c. 347

130.—(1) Subject to the limitations and restrictions in this Act and the *Ontario Municipal Board Act*, the Regional Corporation may by by-law incur a debt or issue debentures for the purposes set forth in subsection 129 (1) of this Act and, notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the Regional Area.

Idem

(2) Where, under any general or special Act, an area municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the Regional Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence to the passing of the by-law by the Regional Council has been obtained.

Proviso

(3) Nothing in subsection (2) requires the assent of any electors where such assent has been dispensed with under section 63 of the *Ontario Municipal Board Act*. R.S.O. 1970, c. 407, s. 97.

Borrowing
pending
issue and
sale of
debentures

131.—(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time for the purposes authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

Idem

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of the area municipality pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality. 1977, c. 34, s. 4 (1).

(3) The Regional Corporation may charge interest on any proceeds of an advance or loan transferred under subsection (2) at a rate sufficient to reimburse it for the cost of such advance or loan.

Interest on
proceeds
transferred

(4) The proceeds of every advance or loan under this section shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to see to the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality, the balance, subject to section 145, shall be transferred to the area municipality.

Application
of proceeds
of loan

(5) Subject to subsection (4), the redemption of a debenture hypothecated does not prevent the subsequent sale thereof

Hypotheca-
tion not
to prevent
subsequent
sale of
debentures

(6) The signature of the chairman or any other person authorized to sign loan agreements may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on loan agreements made under this section and, if such loan agreement is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced. 1977, c. 34, s. 4 (2).

Signature
of chairman,
etc., may be
mechanically
reproduced

132.—(1) Where the Regional Corporation has entered into an agreement under the *Ontario Water Resources Act* whereby the Regional Corporation is entitled to receive moneys from the Crown, the Regional Council, pending the receipt of such moneys may, in order to meet expenditures incurred in carrying out the agreement, agree with a bank or a person for temporary advances from time to time.

Temporary
borrowing
R.S.O. 1980,
c. 361

(2) The proceeds of every advance under this section shall be applied to the expenditures incurred in carrying out the agreement made by the Regional Corporation under the *Ontario Water Resources Act*, but the lender shall not be bound to see to the application of the proceeds and, when the Regional Corporation has received the moneys to which it is entitled from the Crown under the said agreement, such moneys shall be applied first in repayment of the advances. 1976, c. 43, s. 8.

Application
of proceeds

133.—(1) Subject to subsection (2), a money by-law for the issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time

Principal
and interest
payments

remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest.

Sinking fund
debentures

(2) A money by-law for the issuing of debentures may provide that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case debentures issued under the by-law shall be known as sinking fund debentures.

When
debentures to
be payable

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve.

Special
levy against
area muni-
cipalities

(4) The by-law may provide for raising in each year, by special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each area municipality shall pay to the Regional Corporation such sums at the times and in the amounts specified in the by-law.

General
levy

(5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law.

Levy by
area muni-
cipalities

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection (4) may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection (4). R.S.O. 1970, c. 407, s. 100 (1-6).

Instalment
debentures
and
debentures
to refund
existing
debentures
at maturity

(7) Notwithstanding subsection (5), the Regional Council may by by-law,

- (a) authorize the borrowing of money by the issue of instalment debentures, the last instalment of which shall mature not earlier than ten years after the date upon which they are issued, and a specified sum of principal payable thereunder in the final year shall be raised by the issue of refunding debentures as provided in clause (b), and it shall not be necessary to raise by special rate in the year of maturity of the debentures to be refunded an

amount equal to the specified principal amount of the debentures which are being refunded; and

- (b) authorize the issue of debentures to refund at maturity outstanding debentures of the municipality, provided that the refunding debentures shall be payable within the maximum period of years that was approved by the order of the Municipal Board for the repayment of debentures issued for the debt for which the outstanding debentures were issued, commencing on the date of the debentures originally issued for such debt,

and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a special levy or levies against such area municipality or municipalities as may be specified in the by-law and such levy shall be levied against the same area municipality or municipalities in each case.

(8) Any special levy against an area municipality imposed by the by-law under the authority of subsection (7) may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection (7), and any levy imposed by a by-law under clause (7) (b) shall be levied by the area municipality against the same persons or property as the levy imposed by the related by-law under clause (7) (a) was levied. 1972, c. 126, s. 19 (1).

(9) All levies imposed by the by-law against an area municipality are a debt of the area municipality to the Regional Corporation.

(10) The Regional Council may by by-law authorize a change in the mode of issue of the debentures and may provide that the debentures be issued with coupons instead of in amounts of combined principal and interest or vice versa and where any debentures issued under the by-law have been sold, pledged or hypothecated by the Regional Council upon again acquiring them or at the request of any holder of them, may cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year. R.S.O. 1970, c. 407, s. 100 (7, 8).

(11) All the debentures shall be issued within two years after the passing of the by-law unless, on account of

the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the Regional Council it would be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law. R.S.O. 1970, c. 407, s. 100 (9); 1976, c. 43, s. 9 (1).

Date of
debentures

(12) All the debentures shall bear the same date, except where they are issued in sets, in which case every debenture of the same set shall bear the same date.

Idem

(13) Notwithstanding the provisions of the by-law, the debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection (11) and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.

Extension
of time
for issue

(14) The Municipal Board, on the application of the Regional Council, the council of any area municipality or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

Application
after time
expired

(15) The extension may be made although the application is not made until after the expiration of the two years or of the time provided for the issue of the set.

Effective
date

(16) Unless the by-law names a later day when it is to take effect, it takes effect on the day of its passing.

Consolida-
tion

(17) Notwithstanding any general or special Act, the Regional Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor.

Consol-
idating
debenture
by-laws
R.S.O. 1980,
c. 302

(18) Section 145 of the *Municipal Act* applies with necessary modifications to the Regional Corporation.

Redemption
before
maturity

(19) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the

Regional Corporation on any date prior to maturity, subject to the following provisions:

1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and the amount at which such debenture may be so redeemed.
2. The principal of every debenture that is so redeemable becomes due and payable on the date set for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of the principal thereof, the interest to the date set for redemption, and any premium payable on redemption.
3. Notice of intention so to redeem shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.
4. At least thirty days prior to the date set for such redemption, notice of intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the Regional Area and in such other manner as the by-law may provide.
5. Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debentures issued under the by-law shall be called for such redemption in priority to any such debenture that has a later maturity date.
6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council in respect of the debenture so redeemed. R.S.O. 1970, c. 407, s. 100 (10-17).

Currency

(20) The by-law may provide that the debentures to be issued thereunder shall be expressed and be payable,

(a) in lawful money of Canada and payable in Canada; or

(b) in lawful money of the United States of America and payable in the United States of America; or

(c) in lawful money of Great Britain and payable in Great Britain; or

(d) subject to the prior approval of the Lieutenant Governor in Council, in a currency other than that of Canada, the United States of America or Great Britain. R.S.O. 1970, c. 407, s. 100 (18); 1972, c. 126, s. 19 (2).

Annual rates

(21) Where under the provisions of the by-law debentures issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, or in any currency other than that of Canada, the Regional Council may in such by-law or in any amending by-law, in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in such year, provide that there shall be raised such yearly amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary. R.S.O. 1970, c. 407, s. 100 (19); 1972, c. 126, s. 19 (3).

Premium on foreign currency

(22) Where a by-law passed under this section provides that the debentures are payable in a currency described in clause (20) (b), (c) or (d), the by-law may provide that any portion of the premium which may be received on the currency in which the debentures are payable that is not required to pay the cost of the work authorized under the by-law and charges incidental thereto shall be set aside in a reserve fund to be used to pay the premium on the annual payments of principal and interest on the debentures issued under the by-law. 1980, c. 38, s. 12.

Principal levies

(23) When sinking fund debentures are issued, the amount of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding 5 per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due. R.S.O. 1970, c. 407, s. 100 (20); 1972, c. 126, s. 19 (4).

(24) When sinking fund debentures are issued, the sinking fund committee shall keep one or more consolidated bank accounts in which, Consolidated bank accounts

(a) the treasurer of the Regional Corporation shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and

(b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments. R.S.O. 1970, c. 407, s. 100 (21).

(25) When sinking fund debentures are issued, there shall be a sinking fund committee that shall be composed of the treasurer of the Regional Corporation and two members appointed by the Regional Council, and the two appointed members may be paid, out of the current fund of the Regional Corporation, such annual remuneration as the Regional Council determines. 1972, c. 126, s. 19 (5). Sinking fund committee

(26) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member and any such alternate member may be paid, out of the current fund of the Regional Corporation, such remuneration as the Regional Council determines. 1976, c. 70, s. 4. Alternate members

(27) The treasurer of the Regional Corporation shall be the chairman and treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer. Chairman

(28) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, in such amount as the auditor of the Regional Corporation shall determine, and in other respects the provisions of section 94 of the *Municipal Act* apply with respect to such security. Security
R.S.O. 1980, c. 302

(29) Two members of the sinking fund committee are a quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee. Quorum

Control of
sinking fund
assets

(30) All assets of the sinking funds, including all consolidated bank accounts, shall be under the sole control and management of the sinking fund committee.

Withdrawals
from bank
accounts

(31) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all cheques on the consolidated bank accounts shall be signed by the chairman or acting chairman and one other member of the sinking fund committee.

Investments

(32) The sinking fund committee shall invest any moneys on deposit from time to time in the consolidated bank accounts and may at any time or times vary any investments. R.S.O. 1970, c. 407, s. 100 (24-29).

Idem

(33) The moneys in the consolidated bank accounts shall be invested in one or more of the following forms,

R.S.O. 1980,
c. 512

(a) in securities in which a trustee may invest under the *Trustee Act*;

(b) in debentures of the Regional Corporation;

(c) in temporary advances to the Regional Corporation pending the issue and sale of any debentures of the Regional Corporation;

(d) in temporary loans to the Regional Corporation for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made;

(e) in securities issued or unconditionally guaranteed as to principal and interest by the United States of America;

(f) in such other securities as are authorized by the Lieutenant Governor in Council. R.S.O. 1970, c. 407, s. 100 (30); 1976, c. 43, s. 9 (2).

Deposit of
securities
with
Treasurer

(34) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be deposited with the Treasurer of Ontario.

Release of
securities by
Treasurer

(35) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under subsection (34) only upon the direction in writing of the sinking fund committee.

(36) All sinking fund debentures issued on the same date, payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws, shall be deemed one debt and be represented by one sinking fund account. Sinking fund accounts

(37) That proportion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments, obtained by, Earnings credited to sinking fund account

- (a) multiplying the amount of all such earnings by the amount of the capitalized interest for that year under subsection (23) with respect to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account; and
- (b) dividing the product obtained under clause (a) by the amount of all capitalized interest for that year under subsection (23) with respect to all principal raised up to and including such year for all outstanding sinking fund debentures,

shall be credited to the sinking fund account, mentioned in clause (a).

(38) The treasurer of the Regional Corporation shall prepare and lay before the Regional Council in each year, before the annual regional levies are made, a statement showing the sums that the Regional Council will be required, by by-law, to raise for sinking funds in that year. Sinking fund requirements

(39) If the treasurer of the Regional Corporation contravenes subsection (24) or (38), he is guilty of an offence and on conviction is liable to a fine of not more than \$250. Offence

(40) If the Regional Council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the Regional Council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount. Failure to levy

(41) Notwithstanding this or any other Act or by-law, if it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the estimated earnings to be credited thereto under subsection (37) together with the levy required to be made by the by-law or by-laws that authorized the issue of the debentures represented Where amount in sinking fund account more than sufficient to pay debt

by such sinking fund account, to pay the principal of the debt represented by such sinking fund account when it matures, the Municipal Board on the application of the sinking fund committee, the Regional Council or the council of an area municipality, may authorize the Regional Council or the council of an area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board.

No
diversion of
sinking
funds

(42) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the Regional Corporation or otherwise than is provided in this section. R.S.O. 1970, c. 407, s. 100 (31-39).

Surplus

(43) When there is a surplus in a sinking fund account, the sinking fund committee shall,

- (a) use the surplus to increase the amount at the credit of another sinking fund account; or
- (b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes,
 - (i) to retire unmatured debentures of the Regional Corporation or of an area municipality,
 - (ii) to reduce the next annual levy on account of principal and interest payable with respect to debentures of the Regional Corporation or of an area municipality,
 - (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause (a) or (b) for the purposes of the Regional Corporation or an area municipality in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose. R.S.O. 1970, c. 407, s. 100 (40); 1972, c. 126, s. 19 (6).

Deficit and
surplus

(44) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities, any deficit in the sinking fund account shall be provided by the Regional Corporation out of its current funds

and any surplus in the sinking fund account shall be used as provided in subsection (43). R.S.O. 1970, c. 407, s. 100 (41).

(45) A money by-law may authorize the issue of debentures of which a portion shall be payable on a fixed date with interest payable annually or semi-annually, in which case such debentures shall be known as term debentures. Term debentures

(46) In respect of the term debentures, the by-law shall provide for raising, Amounts to be raised annually

(a) in each year of the currency of the term debentures, a sum sufficient to pay the interest on the term debentures; and

(b) in each year of the currency of the term debentures in which no other debentures issued under the same by-law become due and payable, a specific amount to form a retirement fund for the term debentures which, with interest at a rate not to exceed 5 per cent per annum compounded yearly, will be sufficient to pay the principal of the term debentures at maturity.

(47) The retirement fund for the term debentures shall be administered by the sinking fund committee in all respects in the same manner as a sinking fund established under this section, and the provisions of subsections (24) to (44) of this section with respect to a sinking fund shall apply with necessary modifications to such retirement fund. Retirement fund administration

(48) Notwithstanding the provisions of any general or special Act or any differences in date of issue or maturity, every debenture issued shall rank concurrently and *pari passu* in respect of payment of principal and interest thereon with all other debentures of the Regional Corporation except as to the availability of any sinking funds applicable to any particular issue of debentures. 1976, c. 43, s. 9 (3). All debentures rank equally

134. Notwithstanding any other provision of this Act, Debentures:

(a) a money by-law of the Regional Council may provide that all or a portion of the debentures to be issued thereunder shall be payable on a fixed date, subject to the obligation of the Regional Corporation to redeem by lot annually on each anniversary of the date of such debentures a specified principal amount of such debentures upon payment by the Regional Corporation of such principal amount plus accrued interest to the date of redemption and upon giving notice as provided in this section; payable on a fixed date subject to the annual redemption by lot of a specified principal amount

interest
ceases to
accrue on
date set for
redemption

- (b) the principal amount of every debenture that is called for redemption shall become due and payable on the date set for the redemption thereof and, after such date, interest ceases to accrue thereon where provision is duly made by the Regional Corporation for the payment of the principal amount thereof;

debentures to
be redeemed
may be
purchased

- (c) the debentures to be redeemed on each anniversary of the date of such debentures shall be selected by lot by the treasurer of the Regional Corporation at a public meeting of the Regional Council and when redeemed shall be cancelled and shall not be reissued, provided always that the principal amount of the debentures to be redeemed in any year may be reduced by the principal amount of any debentures purchased by the Regional Corporation, at a price or prices not exceeding the principal amount thereof, and surrendered for cancellation on the date fixed for redemption;

notice to
redeem to be
sent by mail

- (d) notice of intention to redeem any debenture shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person, if any, in whose name the debenture may be registered at the address shown in the Debenture Registry Book;

debentures
when to be
dated and
issued

- (e) notice of intention to redeem any debenture shall be published at least thirty days prior to the date set for such redemption in such manner as the by-law may provide;

where only
portion of
debentures
payable on
fixed date

- (f) where only a portion of the debentures issued under a by-law is payable on a fixed date, the obligation of the Regional Corporation to redeem by lot annually a specified principal amount of such debentures does not apply in any year in which an instalment of principal of the remaining debentures issued under such by-law becomes due and payable; and

annual
amounts
payable to
be approxi-
mately equal

- (g) the aggregate amounts of principal and interest, or the amounts of principal, payable in each year during the currency of debentures issued under this section shall be approximately equal. 1972, c. 126, s. 20.

Application of
R.S.O. 1980,
c. 302

135.—(1) Subsection 152 (1) of the *Municipal Act* applies with necessary modifications to the Regional Council. 1976, c. 70, s. 5.

(2) For the purposes of this section, the hypothecation of debentures under section 131 shall not constitute a sale or other disposal thereof. Hypothecation not a sale under this section

(3) The Regional Council may by one by-law authorized under subsection (1) amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder. Consolidation of debentures

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council. R.S.O. 1970, c. 407, s. 101 (2-4). Special assessment and levies

136.—(1) Where part only of a sum of money provided for by a by-law has been raised, the Regional Council may repeal the by-law as to any part of the residue, and as to a proportionate part of the amounts to be raised annually. Repeal of by-law when part only of money to be raised

(2) The repealing by-law shall recite the facts on which it is founded, shall be appointed to take effect on the 31st day of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board. R.S.O. 1970, c. 407, s. 102. When to take effect

137.—(1) Subject to section 136, after a debt has been contracted under a by-law, the Regional Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not alter any such by-law so as to diminish the amount to be raised annually, and shall not apply to any other purpose any money of the Regional Corporation that has been directed to be applied to such payment. Until debt paid certain by-laws cannot be repealed

(2) When the Regional Corporation, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply any of the money so paid for any purpose other than the payment of the amounts of principal and interest so becoming due. R.S.O. 1970, c. 407, s. 103. Application of payments

Offence for neglect of officer to carry out by-law

138. Any officer of the Regional Corporation whose duty it is to carry into effect any of the provisions of a money by-law of the Regional Corporation, who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on conviction is liable to a fine of not more than \$100. R.S.O. 1970, c. 407, s. 104.

Money by-laws may be registered

139.—(1) Within four weeks after the passing of a money by-law, the clerk of the Regional Corporation may register a duplicate original or a copy of it, certified under his hand and the seal of the Regional Corporation, in the Registry Office for the Registry Division of Ottawa-Carleton (No. 5).

Application to quash registered by-law, when to be made
R.S.O. 1980, cc. 347, 126, 250

(2) Subject to section 61 of the *Ontario Municipal Board Act*, every by-law registered in accordance with subsection (1), or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under the *Drainage Act* or the *Local Improvement Act*, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought, is registered in such registry office within such period of three months, or one month, as the case may be.

Time when by-law to be valid and binding

(3) After the expiration of the period prescribed by subsection (2), if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms.

Quashing part of by-law

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection (2), but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, is, after the expiration of that period, valid and binding according to its terms.

Dismissal of application

(5) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered, and after such dismissal and the expiration of the period prescribed by subsection (2), if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms.

(6) Nothing in this section makes valid a by-law passed without the assent of the electors of an area municipality as required by subsection 130 (2), or a by-law where it appears on the face of it that any of the provisions of subsection 133 (5) have not been substantially complied with.

Illegal
by-laws not
validated

(7) Failure to register a by-law as prescribed by this section does not invalidate it. R.S.O. 1970, c. 407, s. 105.

Failure to
register

140.—(1) A debenture or other like instrument shall be sealed with the seal of the Regional Corporation, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection (3), shall be signed by the chairman, or by some other person authorized by by-law of the Regional Corporation to sign it, and by the treasurer.

Debentures,
how sealed
and
executed

(2) A debenture may have attached to it interest coupons that shall be signed by the treasurer and his signature to them may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the treasurer on the date the Regional Council authorized the execution of the debenture or on the date the debenture bears or at the time the debenture was issued and delivered.

Interest
coupons

(3) The signature of the chairman, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and, if the debentures or other like instruments are countersigned in writing by a person authorized by by-law of the Regional Corporation to countersign, the signature of the treasurer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon.

Mechanical
repro-
duction of
signatures

(4) The seal of the Regional Corporation when so engraved, lithographed, printed or otherwise mechanically reproduced has the same force and effect as if manually affixed and the signature of the chairman or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the treasurer when so engraved, lithographed, printed or otherwise mechanically reproduced shall be deemed the signature of the chairman or other person so authorized to sign or of the treasurer, as the case may be, and is binding upon the Regional Corporation.

Effect of
mechanical
reproduction

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signatures of the

Sufficiency
of
signatures

persons provided in this section if such persons had authority to sign and countersign as provided in this section either on the date the Regional Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered. R.S.O. 1970, c. 407, s. 106.

Debentures on which payment has been made for one year to be valid

141. Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the Regional Corporation, the by-law and the debentures issued under it are valid and binding upon the Regional Corporation. R.S.O. 1970, c. 407, s. 107.

Mode of transfer may be prescribed

142.—(1) Where a debenture contains or has endorsed upon it a provision to the following effect:

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the treasurer of this Corporation (or by such other person authorized by by-law of this Corporation to endorse such certificate of ownership), transferable except by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the

.....
.....
of

the treasurer (or such other persons so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book, to be called the Debenture Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.

Requirements as to endorsing certificate of ownership

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the treasurer.

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in subsection (1), is transferable only by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors. R.S.O. 1970, c. 407, s. 108.

Transfer
by entry in
Debenture
Registry
Book

(4) A debenture may be registered as to both principal and interest in which case the interest thereon shall be paid by cheque and the debenture may be referred to as a fully registered debenture.

Registration
of debenture
as to
principal
and interest

(5) Where debentures are payable in a currency other than that of Canada, the Regional Council may provide that the Debenture Registry Book of the Regional Corporation in respect of such debentures be maintained outside Canada by a corporation or person other than the treasurer and may make such other provisions for the registration and transfer of such debentures as the Regional Council considers appropriate. 1972, c. 126, s. 21.

When
debenture
Registry
Book may be
maintained
outside
Canada

143. Where a debenture is defaced, lost or destroyed, the Regional Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide. R.S.O. 1970, c. 407, s. 109.

Replace-
ment of lost
debentures

144.—(1) On request of the holder of any debenture issued by the Regional Corporation, the treasurer of the Regional Corporation may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount.

Exchange of
debentures

(2) On the request of the sinking fund committee, the treasurer of the Regional Corporation may, as provided in this section, exchange debentures heretofore or hereafter issued by the Regional Corporation.

On request
of sinking
fund
committee

(3) Any new debenture mentioned in subsection (1) may be registered as to principal and interest but in all other respects shall be of the same force and effect as the debenture or debentures surrendered for exchange.

New
debentures
of same
force and
effect as
debentures
surrendered

(4) The treasurer and auditor of the Regional Corporation shall cancel and destroy all debentures surrendered for

Debentures
surrendered
for exchange
to be
cancelled

exchange and shall certify in the Debenture Registry Book that they have been cancelled and destroyed and shall also enter in the Debenture Registry Book particulars of any new debenture issued in exchange. R.S.O. 1970, c. 407, s. 110.

Application
of proceeds
of
debentures

145.—(1) The moneys received by the Regional Corporation from the sale or hypothecation of any debentures to the extent that such moneys are required for the purposes for which the debentures were issued, and for the repayment of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes.

Idem

(2) None of the moneys received by the Regional Corporation from the sale or hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the Regional Corporation or an area municipality.

Surplus

(3) Where on the sale of any debenture an amount is realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied,

- (a) if any such debentures are redeemable prior to maturity at the option of the Regional Corporation, to redeem one or more of the debentures having the latest maturity date; or
- (b) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or
- (c) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

Deficiency

(4) Where on the sale of any debentures a deficiency in the amount required for the purpose or purposes for which the debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes. R.S.O. 1970, c. 407, s. 111.

146. Where real or personal property acquired out of moneys received by the Regional Corporation from the sale or hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied as an excess in accordance with subsection 145 (3) or, with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures issued in respect of the property disposed of or sold. R.S.O. 1970, c. 407, s. 112.

Use of
proceeds
of sale
of asset
acquired
from
proceeds of
sale of
debentures

147. When the Regional Corporation intends to borrow money on debentures under this or any other Act, the Regional Council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par. R.S.O. 1970, c. 407, s. 113.

Tenders for
debentures

148.—(1) The Regional Council shall,

Accounts,
how to be
kept

- (a) keep a separate account of every debenture debt;
- (b) where the whole of a debenture debt is not payable in the current year, keep in respect thereof,
 - (i) an additional account for the interest, if any, and
 - (ii) an additional account for the sinking fund or the instalments of principal,

distinguished from all other accounts by a prefix designating the purpose for which the debenture debt was contracted; and

- (c) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

(2) The Regional Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt. R.S.O. 1970, c. 407, s. 114.

Consol-
idated
interest
account

Application
of surplus
money

149. If in any year after paying the interest and appropriating the necessary sum in payment of the instalments there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of the principal. R.S.O. 1970, c. 407, s. 115.

Liability
of members

150.—(1) If the Regional Council applies any money raised for a special purpose or collected for a sinking fund in paying current or other expenditure, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Action by
ratepayer

(2) If the Regional Council, upon the request in writing of a ratepayer of any area municipality, refuses or neglects for one month to bring an action therefor, the action may be brought by any such ratepayer on behalf of himself and all other ratepayers in the Regional Area.

Disqualifi-
cation

(3) The members who vote for such application are disqualified from holding any municipal office for two years. R.S.O. 1970, c. 407, s. 116.

Refinancing
of
debentures

151. When, by or under the authority of this Act, the Regional Corporation is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the Regional Corporation may, with the approval of the Municipal Board,

- (a) cancel all such debentures that have not been sold and issue new debentures of the Regional Corporation in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board, for the purposes for which such debentures were issued;
- (b) arrange with the area municipality for the redemption of all such debentures as are redeemable and issue new debentures of the Regional Corporation to raise the moneys required for such redemption;
- (c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the Regional Corporation to raise the money required to complete such purchase. R.S.O. 1970, c. 407, s. 117.

PART X

DIVISIONAL BOARDS OF EDUCATION

152. In this Part,

Interpre-
tation

- (a) "Ottawa Board" means The Ottawa Board of Education;
- (b) "Carleton Board" means The Carleton Board of Education. R.S.O. 1970, c. 407, s. 118.

153.—(1) The City of Ottawa, the City of Vanier and the Village of Rockcliffe Park are continued as a school division of a defined city under Part III of the *Education Act*.

Ottawa
school
division
continued
R.S.O. 1980,
c. 129

(2) There shall be a divisional board of education for such school division under the name "The Ottawa Board of Education" composed of seventeen members. R.S.O. 1970, c. 407, s. 119 (1, 2).

Divisional
Board

(3) Twelve members of the Ottawa Board shall be elected by the public school electors of the school division as follows,

Election of
members
by public
school
electors

(a) six members by a general vote of the public school electors in the City of Vanier, the Village of Rockcliffe Park and such wards of the City of Ottawa as the Ottawa Board determines; and

(b) six members by a general vote of the public school electors in the wards of the City of Ottawa not included in clause (a),

and the Ottawa Board shall, by resolution, determine from time to time the wards of the City of Ottawa that shall be included with the City of Vanier and the Village of Rockcliffe Park for the purposes of clause (a) and such a resolution shall remain in force until repealed by the Ottawa Board. 1974, c. 67, s. 1.

(4) Four members of the Ottawa Board shall be elected by a general vote of the separate school supporters in the City of Ottawa and the Village of Rockcliffe Park.

Election of
members by
separate
school
supporters

(5) One member of the Ottawa Board shall be elected by a general vote of the separate school supporters in the City of Vanier. R.S.O. 1970, c. 407, s. 119 (4, 5).

Idem

(6) The election of members of the Ottawa Board shall be held in each municipality in the school division at the same time and

Elections

place as the election of members of the council of the municipality, and the meeting for the nomination of candidates for the Ottawa Board except candidates for the office of the member of the Ottawa Board to be elected by the separate school supporters of the City of Vanier, shall be held by the returning officer of the City of Ottawa at the same time and place as the nominations for members of the council of the City of Ottawa, and the clerk of the City of Vanier and of the Village of Rockcliffe Park, forthwith after the election, shall report the vote recorded in his municipality, except the vote in respect of the member to be elected by the separate school supporters of the City of Vanier, to the clerk of the City of Ottawa who shall prepare the final summary and announce the vote. R.S.O. 1970, c. 407, s. 119 (6); 1973, c. 138, s. 15 (1).

Carleton
school
division
continued

R.S.O. 1980,
c. 129

154.—(1) The cities of Gloucester, Kanata and Nepean and the townships of Cumberland, Goulbourn, Osgoode, Rideau and West Carleton are continued as a school division under Part III of the *Education Act*.

Divisional
board

(2) The Carleton Board is continued as the divisional board of education for such school division.

Elections

R.S.O. 1980,
c. 308

(3) Elections for the Carleton Board shall be held in accordance with the *Municipal Elections Act*.

Composition
of Board

(4) Notwithstanding the *Education Act*, the Carleton Board shall be composed of twenty members elected in the following manner,

(a) sixteen members elected by a general vote of the public school electors as follows,

(i) three members in the City of Gloucester,

(ii) seven members in the City of Nepean,

(iii) one member in the City of Kanata and in each of the townships of Cumberland, Goulbourn, Osgoode, Rideau and West Carleton; and

(b) four members elected by a general vote of the separate school electors in the school division. 1973, c. 138, s. 16.

Application of
R.S.O. 1980,
c. 129, Part III

155. All the provisions of Part III of the *Education Act* that are not inconsistent with this Part apply to the school divisions and divisional boards of education continued under this Part. R.S.O. 1970, c. 407, s. 123.

PART XI

SPECIAL PROVISIONS

156. This Part applies only to the area municipalities established by *The Ottawa-Carleton Amalgamations and Elections Act, 1973*. 1973, c. 138, s. 18, *part*. Application
of Part
1973, c. 93

157. For the purposes of this Part, "local municipality" means a local municipality that was amalgamated with or a portion of which was annexed to another local municipality to constitute an area municipality under *The Ottawa-Carleton Amalgamations and Elections Act, 1973*. 1973, c. 138, s. 18, *part*. Interpre-
tation

158.—(1) Every by-law of a local municipality as it exists on the 31st day of December, 1973, shall remain in force in the area of the former local municipality on and after the 1st day of January, 1974, and may be amended or repealed by the council of an area municipality as it affects such area municipality. 1973, c. 138, s. 18, *part*. By-laws

(2) Where any local municipality has passed a by-law that, prior to its coming into force, requires the approval of any minister of the Crown, any provincial ministry, the Municipal Board or any provincial body or agency, and such approval has not been obtained prior to the 31st day of December, 1973, the council of the successor area municipality to such local municipality shall be entitled to initiate or continue the procedure required to obtain such approval to the by-law passed by the local municipality in so far as it pertains to such area municipality, and the provisions of subsection (1) apply with necessary modifications to any such by-law. 1974, c. 5, s. 1. Idem

159. Where any agreement has been entered into by a local municipality, the appropriate area municipality shall, on and after the 1st day of January, 1974, be deemed to stand in the place and stead of such local municipality. 1973, c. 138, s. 18, *part*. Agreements

160.—(1) The board of the Hydro-Electric Commission of the Village of Richmond as it exists on the 31st day of December, 1973, shall, until such date as the Minister may by order designate, continue and such commission shall be deemed to be a local board of the Township of Goulbourn. Commission
continued

(2) The Hydro-Electric Commission of the Township of Gloucester shall continue to provide electrical service to that portion of the Township of Gloucester annexed to the Township of Rideau. 1973, c. 138, s. 18, *part*. Supply of
electrical
service to
portion of
Township of
Gloucester

Membership
not to act
as disquali-
fication

161. Membership on the board referred to in section 160 does not act as a disqualification to be elected as a member of the council of the Township of Goulbourn. 1973, c. 138, s. 18, *part.*

Existing
speed limits
continued
R.S.O. 1980,
c. 198

162.—(1) Notwithstanding the other provisions of this Act but subject to subsections (2) and (3), for the purposes of section 109 of the *Highway Traffic Act* the areas in the Regional Area that, on the 31st day of December, 1973, formed part of a village or township municipality shall be considered to continue to form part of a village or township municipality.

By-laws of
Regional
Council and
area councils

(2) Notwithstanding subsection (1), the Regional Council and the council of each area municipality may exercise any of its powers under section 109 of the *Highway Traffic Act* in respect of highways under its jurisdiction and control.

Existing
speed limits
continued

(3) Every by-law passed by the council of a municipality under any provision of section 109 of the *Highway Traffic Act* that applied, on the 31st day of December, 1973, to any highway or portion thereof within the Regional Area shall continue to apply thereto until a by-law passed by the Regional Council or the council of an area municipality under such section 109 applies thereto. 1973, c. 138, s. 18, *part.*

PART XI

GENERAL

Application

163.—(1) Sections 5, 105, 106, 116, 121, subsection 165 (3), section 190, paragraphs 3, 11, 12, 23, 24, 30, 50 and 54 of section 208, subparagraph ii of paragraph 125 of section 210, sections 250 and 253, paragraph 10 of section 315 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation. 1979, c. 81, s. 15 (1).

R.S.O. 1980,
c. 302

Erections,
annexations
and amal-
gamations

(2) Sections 10, 11 and 14 of the *Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, within the Regional Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature.

Nuisances

(3) The Regional Corporation shall be deemed to be a local municipality for the purposes of paragraph 134 of section 210 of the *Municipal Act*.

(4) The Regional Corporation shall be deemed to be a municipality for the purposes of the *Expropriations Act*. R.S.O. 1970, c. 407, s. 124 (3-5). Deemed municipality for R.S.O. 1980, c. 148

(5) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 13 of the *Mortmain and Charitable Uses Act*. 1977, c. 34, s. 6 (2). Application of R.S.O. 1980, c. 297

(6) The Regional Corporation shall be deemed to be, and to have always been, a municipality for the purposes of section 311 of the *Municipal Act*. 1979, c. 81, s. 15 (2). Deemed municipality for purposes of R.S.O. 1980, c. 302

(7) Notwithstanding any other provision in this Act, the Regional Council may pass by-laws authorizing the head of the department concerned to grant such of the approvals and consents required by subsection 40 (1), subsection 41 (2) and subsection 55 (2) as are designated in the by-law, and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted. R.S.O. 1970, c. 407, s. 124 (6). Delegation of approvals or consents

164.—(1) The Regional Council may pass by-laws for acquiring land for, and establishing, laying out and improving and maintaining, public parks, forests, zoological gardens, recreation areas, squares, avenues, boulevards and drives in the Regional Area and for exercising all or any of the powers that are conferred on boards of park management by the *Public Parks Act*. Acquiring lands for parks, etc. R.S.O. 1980, c. 417

(2) In addition to the powers that may be exercised under subsection (1), the Regional Council has power to let from year to year, or for any time not exceeding ten years, the right to sell, subject to the *Liquor Licence Act* and the regulations made thereunder, spirituous, fermented or intoxicating liquors within regional parks under such regulations as the Regional Council may prescribe. Sale of spirituous, etc. liquors in parks R.S.O. 1980, c. 244

(3) Paragraph 53 of section 208 of the *Municipal Act* applies with necessary modifications to the Regional Corporation. Application of R.S.O. 1980, c. 302

(4) The Regional Corporation shall be deemed to be a municipality for the purposes of the *Parks Assistance Act*. Regional Corporation a municipality under R.S.O. 1980, c. 367

(5) Where, under an agreement with any conservation authority or the Ministry of Natural Resources, lands vested in the conservation authority, or other lands, are managed and controlled by the Regional Corporation, the Regional Corporation may, Park lands owned by conservation authority, etc.

(a) exercise all or any of the powers conferred on it under subsection (1) in respect of such lands;

- (b) lay out, construct and maintain roads on such lands and, with the consent of the area municipality in which such lands, or any part thereof, are situate, assume the maintenance of existing roads on such lands, or any part thereof;

R.S.O. 1980,
c. 198

- (c) subject to the *Highway Traffic Act*, regulate traffic on such roads and prescribe the rate of speed for motor vehicles driven on such roads in accordance with subsection 109 (3) of the *Highway Traffic Act*; and

- (d) notwithstanding the provisions of any other Act, exempt from municipal taxation any such lands for so long as they are managed and controlled by the Regional Corporation and used for park purposes.

Tax
exemption

- (6) An exemption from taxes under subsection (5) shall be deemed to have the same effect as an exemption from taxes under section 3 of the *Assessment Act*.

R.S.O. 1980,
c. 31

Payment
in lieu of
taxes

- (7) The Regional Council may agree to pay annually to the area municipality in which any land used for the purposes set out in subsection (1) is situate a sum not exceeding the amount that would have been payable to the municipality as taxes if the land were not exempt from taxation. 1975, c. 46, s. 5; 1977, c. 34, s. 5.

Emergency
measures,
civil
defence

165.—(1) The Regional Council may pass by-laws,

- (a) for the establishment and maintenance of an emergency measures civil defence organization in the Regional Area; and
- (b) for providing moneys for emergency measures and civil defence, for the purposes of the emergency measures civil defence organization and for the cost of the operation of such organization, and for other similar work in the Regional Area,

and, when a by-law passed under this subsection is in force in the Regional Area, any by-law passed by the council of an area municipality under subclauses 209 (b) (ii) and (iii) of the *Municipal Act* has no effect.

R.S.O. 1980,
c. 302

Powers of
Regional
Council re
emergency
measures

- (2) When a by-law passed under clause (1) (a) is in force, the Regional Council may pass by-laws,

- (a) with the consent of the area municipality or local board concerned, for appointing heads of departments and alternates to be members of the emergency measures organization or any committee thereof;

- (b) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their functions under the emergency measures organization;
- (c) for appointing members of the emergency measures organization or of any committee thereof to be in charge of such departments or utilities throughout the Regional Area, as the by-law may provide, when an emergency has been proclaimed under the *War Measures Act* (Canada);
- (d) for acquiring alternative headquarters for the Regional Government outside the Regional Area;
- (e) for designating evacuation routes and empowering members of the police forces having jurisdiction in the Regional Area to require persons to use such routes;
- (f) for obtaining and distributing emergency materials, equipment and supplies; and
- (g) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack. R.S.O. 1970, c. 407, s. 125.

R.S.C. 1970,
c. W-2

166. The Regional Corporation may make expenditures for the purpose of diffusing information respecting the advantages of the Regional Municipality as an industrial, business, educational, residential or vacation centre. 1973, c. 138, s. 20; 1976, c. 43, s. 11.

Expenditures
for diffusing
information

167. Where in an action or by the settlement of a claim arising out of an injury to an employee or to any person deemed an employee for the purposes of the *Workmen's Compensation Act* the Regional Corporation recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the Regional Corporation may impose. R.S.O. 1970, c. 407, s. 128.

Payment of
damages to
employees
R.S.O. 1980,
c. 539

168.—(1) Where the Regional Council passes a resolution requesting a judge of the county court of the Regional Area or a judge of the county court of a county adjoining the Regional Area to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the Regional Council, or an officer or employee of the Regional Corporation, or of any

Investigation by
county judge
of charges of
malfeasance

person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the Regional Corporation, or to inquire into or concerning any matter connected with the good government of the Regional Corporation or the conduct of any part of its public business, including any business conducted by a local board of the Regional Corporation, the judge shall make the inquiry and for that purpose has the powers of a commission under Part II of the *Public Inquiries Act*, which Part applies to the inquiry as if it were an inquiry under that Act, and he shall, with all convenient speed, report to the Regional Council the result of the inquiry and the evidence taken. R.S.O. 1970, c. 407, s. 129 (1); 1971, c. 49, s. 18.

R.S.O. 1980,
c. 411

Fees
payable to
judge
R.S.O. 1980,
c. 223

Engaging
counsel

(2) The judge shall be paid by the Regional Corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under the *Judicature Act*.

(3) The Regional Council may engage and pay counsel to represent the Regional Corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the Regional Corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel. R.S.O. 1970, c. 407, s. 129 (2, 3).

Commission
of inquiry

169.—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into any of the affairs of the Regional Corporation or a local board thereof, and any matter connected therewith, and the commission has the powers of a commission under Part II of the *Public Inquiries Act*, which Part applies to the inquiry as if it were an inquiry under that Act. R.S.O. 1970, c. 407, s. 130 (1); 1971, c. 49, s. 18.

When
commission
may issue

(2) A commission may be recommended at the instance of the Ministry or upon the request in writing of not less than one-third of the members of the Regional Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein. R.S.O. 1970, c. 407, s. 130 (2); 1972, c. 1, s. 1.

Expenses of
commission

(3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and are subject to such division between the Regional Corporation and the Province as the Lieutenant Governor in Council may direct. R.S.O. 1970, c. 407, s. 130 (3).

170. The Regional Corporation for its purposes may enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor, but all such highways, lanes and other public communications shall be restored to their original condition without unnecessary delay. R.S.O. 1970, c. 407, s. 131.

Entry on
highways,
etc.

171. The Regional Corporation and any area municipality may enter into agreements for the use within any part of the Regional Area of the services of their respective officers, employees and equipment. R.S.O. 1970, c. 407, s. 132.

Agreements
re services

172.—(1) For the purposes of paragraph 9 of section 3 and section 26 of the *Assessment Act*, the Regional Corporation shall be deemed to be a municipality.

Application of
R.S.O. 1980,
c. 31

(2) For the purposes of paragraph 9 of section 3 of the *Assessment Act*, where property belonging to the Regional Corporation is occupied by an area municipality or where property belonging to an area municipality is occupied by the Regional Corporation or another area municipality, the occupant shall not be deemed to be a tenant or lessee, whether rent is paid for such occupation or not.

Regional
Corporation
and area
municipalities
not
deemed
tenants

(3) In subsection (2), “Regional Corporation” and “area municipality” include a local board thereof. R.S.O. 1970, c. 407, s. 133.

Interpre-
tation

173.—(1) An execution against the Regional Corporation may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following:

Executions
against
Regional
Corporation

1. The sheriff shall deliver a copy of the writ and endorsement to the treasurer of the Regional Corporation, or leave such copy at the office or dwelling place of that officer, with a statement in writing of the sheriff's fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.
2. If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all

the area municipalities and shall, in like manner as the levies of the Regional Council for general purposes are apportioned among the area municipalities, determine the portion of the amount mentioned in the statement that shall be levied against and in each area municipality.

3. The sheriff shall then in like manner as rates are struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the execution, and in determining such amount he may make such addition to the same as the sheriff considers sufficient to cover its share of the interest up to the time when the rate will probably be available and his own fees and poundage.
4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality, and shall annex to the precept the roll of such rate, and shall by the precept, after reciting the writ and that the Regional Corporation has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect of the general annual rates.
5. If at the time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he shall add a column thereto, headed "Execution rate in A.B. *vs.* The Regional Municipality of Ottawa-Carleton" (adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.
6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same, to the treasurer of the area municipality.

Functions
of clerks,
assessors
and
collectors

- (2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect, or permitting or assisting the sheriff to carry into

effect, the provisions of this Act with respect to such execution, be deemed to be officers of the court out of which the writ issued, and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them. R.S.O. 1970, c. 407, s. 134.

174.—(1) The Corporation of the County of Carleton County of Carleton dissolved is dissolved on the 1st day of January, 1969, and on the same date the Township of Cumberland is withdrawn from the County of Russell and the United Counties for all purposes.

(2) Subject to an order of the Municipal Board, all the Assets and liabilities assets and liabilities of the County of Carleton become, on the 1st day of January, 1969, the assets and liabilities of the Regional Corporation, and all documents and records kept by the clerk or treasurer or any other officer of the County of Carleton shall be transferred to the clerk of the Regional Corporation. R.S.O. 1970, c. 407, s. 135.

175.—(1) The Eastview Suburban Roads Commission Suburban roads commissions dissolved and the Ottawa Suburban Roads Commission are dissolved on the 1st day of January, 1969.

(2) Subject to an order of the Municipal Board, all the Assets and liabilities assets and liabilities of the roads commissions dissolved under subsection (1) become, on the 1st day of January, 1969, the assets and liabilities of the Regional Corporation, and all documents and records kept by any officer of either of such roads commissions shall be transferred to the clerk of the Regional Corporation. R.S.O. 1970, c. 407, s. 136.

176.—(1) Except as provided in this Act, the Municipal Adjustment of assets, etc. Board upon the application of any area municipality, the Regional Corporation or the United Counties may exercise any of the powers under clauses 14 (11) (a), (b) and (d) of the *Municipal Act* in relation to the dissolution of the County of Carleton and the removal of the Township of Cumberland from the County of Russell and the United Counties and the dissolution of local boards of health and suburban roads commissions under this Act. R.S.O. 1980, c. 302

(2) In the event of any doubt as to whether any particular asset or liability is vested in the Regional Corporation under this Act, the Municipal Board upon application has power to determine the matter as sole arbitrator and sections 94 and 95 of the *Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such power. Disputes R.S.O. 1970, c. 407, s. 137. R.S.O. 1980, c. 347

**Conditional
powers**

177. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize the Regional Corporation to do all such acts or things not specifically provided for in this Act that are considered necessary or advisable to carry out effectively the intent and purposes of this Act. R.S.O. 1970, c. 407, s. 138.

**Forms in
both French
and English
language**

178.—(1) The Minister may by order prescribe an English and French language version of any form that is prescribed by this Act.

Use of forms

(2) The Regional Council may by by-law provide for the use of the version of the form prescribed by the Minister under subsection (1) in place of the corresponding form prescribed by this Act, and, notwithstanding any other provision in this Act, where a by-law under this subsection is in force the version of the form provided for in the by-law shall be used in place of the corresponding form prescribed by this Act. 1979, c. 81, s. 16.

**Conflict
with other
Acts**

179. The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails. R.S.O. 1970, c. 407, s. 139.

**Municipal
buildings**

180. The Regional Corporation or an area municipality or the Regional Corporation and one or more area municipalities,

(a) may acquire land for the purposes of constructing municipal buildings; and

(b) may construct municipal buildings for the use of the Regional Corporation or the Regional Corporation and one or more area municipalities. R.S.O. 1970, c. 407, s. 140.

**Interpre-
tation**

181.—(1) In this section, “waste” includes ashes, garbage, refuse, domestic waste, industrial solid waste or municipal refuse, and such other wastes as may be designated by by-law of the Regional Council.

**Waste
disposal**

(2) On and after the 1st day of January, 1976, the Regional Corporation shall provide facilities for the purpose of receiving, dumping and disposing of waste, and no such facilities shall be provided in the Regional Area by any area municipality, any local board thereof, or any other person whomsoever, without the consent of the Regional Council.

**Powers of
Regional
Corporation**

(3) For the purposes of subsection (2), the Regional Corporation may,

- (a) acquire and use land;
- (b) erect, maintain and operate facilities for the purposes of receiving, dumping, treating and disposing of waste;
- (c) contract with Her Majesty in right of Canada, Her Majesty in right of a province, any agency of either of them, a local or regional municipality in Ontario or Quebec, or a local board thereof, or any other person for such purposes;
- (d) prohibit or regulate the dumping, treating and disposing of waste, or any class or classes thereof, upon such land; and
- (e) provide standards and regulations for vehicles, or any class or classes thereof, used for the haulage of waste to a regional waste disposal facility.

(4) The Regional Council may pass one or more by-laws to assume as regional waste disposal works any or all such solid waste disposal sites, works, facilities and equipment vested in any area municipality, and upon the passing of any such by-law, the sites, works, facilities and equipment specified therein shall vest in the Regional Corporation. Vesting of property in Regional Corporation

(5) The Regional Corporation shall pay to the corporation of any area municipality on or before the due date, all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the real or personal property assumed by the Regional Corporation under subsection (4). Payment of outstanding debt

(6) Subject to subsection (5), the Regional Corporation shall pay to the area municipality the costs incurred by it in the acquisition of and the improvements made to any such disposal site and works assumed by a by-law passed under subsection (4) and the current value of all equipment assumed therewith. 1975, c. 46, s. 6, *part*. Compensation

(7) If the Regional Corporation fails to make any payment required by subsection (5) or (6) on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 17. Default

(8) No land shall be acquired under subsection (3) and no by-law shall be passed under subsection (4) without, Approval of acquisition of land

- (a) the approval of the area municipality in which the land is situate, which approval may be granted upon such terms and conditions as may be agreed upon; or
- (b) failing such approval or agreement, the approval of the Municipal Board.

Approval
of
Ontario
Municipal
Board

(9) The Municipal Board, before giving its approval under clause 8 (b) shall hold a public hearing and shall give or cause to be given at least ten days notice of the hearing to the clerk of the municipality concerned and to such other persons in such manner as the Board may direct, and the Board, as a condition of giving any such approval, may by its order impose such restrictions, limitations and conditions respecting the acquisition or use of such land as to the Board may appear necessary or expedient.

How cost to
be borne

(10) For the purposes of this section, the Regional Council shall, by by-law, prescribe rates or charges for the use of its disposal facilities.

Disposal
of sites

(11) When, in the opinion of the Regional Council, land has been used for solid waste disposal and is no longer required by the Regional Corporation for such purpose, the Regional Corporation shall not dispose of such land without first offering such land to the area municipality within which it is located for nominal consideration upon such terms and conditions as the Regional Council may prescribe.

Routes

(12) Subject to the approval of the Regional Council, an area municipality may, by by-law, prescribe one or more routes to be used by vehicles, or any class or classes thereof, in hauling waste to any regional waste facility located in such area municipality and any such by-law may restrict such vehicles to specified area municipality or regional roads and may provide different restrictions by reference to the days and times set forth in the by-law.

Approval
of O.M.B.

(13) If a by-law passed under subsection (12) is not approved by the Regional Council within a reasonable time, the Municipal Board may approve such by-law.

Hearing

(14) The Municipal Board, before giving its approval under subsection (13), shall hold a public hearing and shall give or cause to be given at least ten days notice of the hearing to the clerk of the municipality concerned and to such other persons in such manner as the Board may direct, and the Board, as a condition of giving any such approval, may by its order require such amendments and impose such restric-

tions, limitations and conditions as to the Board may appear necessary or expedient.

(15) A by-law passed under paragraph 129 of section 210 of the *Municipal Act* does not apply to the Regional Corporation. 1975, c. 46, s. 6, *part*.

Non-application of by-law under R.S.O. 1980, c. 302

182.—(1) In this section,

Interpretation

- (a) "benefit area" means a regional convention centre benefit area established under subsection (7); and
- (b) "regional convention centre" means the lands, structures and facilities, including auditoriums, eating establishments and parking garages, designated by the Regional Council under subsection (2).

(2) The Regional Council may designate and establish a regional convention centre and for such purpose the Regional Corporation may,

Designation and establishment of regional convention centre

- (a) acquire, lease and use land;
- (b) erect, maintain and operate structures and facilities; and
- (c) borrow money by the issue of debentures.

(3) The Regional Council may by by-law establish a board of management for the regional convention centre and appoint to the board such number of persons, each of whom is qualified to hold office as a member of the council of an area municipality, as the Regional Council considers appropriate.

Board of management

(4) Members of the board of management shall hold office at the pleasure of the Regional Council and, unless sooner removed, shall hold office until the expiration of the term of office of the members of the Regional Council that appointed them and until their successors are appointed and are eligible for reappointment.

Term of office

(5) Where a member of the board of management is removed from office before the expiration of his term, the Regional Council may appoint another eligible person for the unexpired portion of his term.

Filling of vacancy

(6) Subject to the provisions of this section, the board of management shall exercise such powers and be subject to such limitations as may be determined by the Regional Council.

Powers of board of management

tions as the Regional Council may by by-law from time to time provide.

Benefit area

(7) The Regional Council may by by-law,

- (a) define one or more parts of the Regional Area as a regional convention centre benefit area that in the opinion of the Council derive special benefit from the operation of the regional convention centre;
- (b) from time to time alter any benefit area when, in the opinion of the Regional Council, a part or parts of the Regional Area not included in the benefit area derive a special benefit from the operation of the regional convention centre or when, in the opinion of the Regional Council, a part or parts of the benefit area no longer derive a special benefit; and
- (c) in each year establish a rate or rates to be levied against the rateable properties in a benefit area sufficient to repay all or a part of any capital debt payable in the year and to meet all or a part of any operating deficit arising from the operation of the regional convention centre in the immediately preceding year.

Schedule

(8) A by-law passed under clause (7) (c) shall have appended thereto a schedule establishing the amount to be levied against each parcel of land in the benefit area.

Apportionment

(9) The amount chargeable to lands in a benefit area shall be equitably apportioned among all the parcels in accordance with the benefits accruing to a parcel from the establishment of the regional convention centre or in the proportion that the assessment of each parcel bears to the total assessment of the parcels in the benefit area.

Approval of O.M.B.

(10) A by-law passed under clause (7) (a), (b) or (c) shall have no force or effect until approved by the Municipal Board.

Collection of rates

(11) Where the Regional Council passes a by-law under clause (7) (c), the Regional Council may direct the treasurer of the area municipality in which are situate the lands benefitted to add the amounts to the collector's roll and to collect the amounts in the same manner as municipal taxes, and any moneys collected pursuant to this subsection shall be paid over to the treasurer of the Regional Corporation.

Management agreement

(12) The Regional Corporation and an area municipality may enter into one or more agreements for the management of the regional convention centre upon such terms and conditions as may

be agreed upon, including provisions whereby any deficit arising from the operation of the regional convention centre or the repayment of debt in respect thereof shall be the responsibility of the area municipality and, where such an agreement is in effect, subsections (3), (4), (5), (6), (7), (8), (9), (10) and (11) apply with necessary modifications to the council of the area municipality. 1980, c. 38, s. 13.

FORM 1

(Section 11 (4))

OATH OF ALLEGIANCE

I,, having been elected (*or appointed*) as chairman of the council of The Regional Municipality of Ottawa-Carleton, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (*or the reigning sovereign for the time being*).

Sworn before me, etc.

R.S.O. 1970, c. 407, Form 1.

FORM 2

(Section 11 (4))

DECLARATION OF QUALIFICATION BY CHAIRMAN

I,, having been elected (*or appointed*) as chairman of the council of The Regional Municipality of Ottawa-Carleton, declare that:

1. I am a British subject and am not a citizen or a subject of any foreign country.
2. I am of the full age of eighteen years.
3. I am not an officer, employee or servant of any area municipality or any local board of any area municipality.
4. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me, etc.

R.S.O. 1970, c. 407, Form 2; 1973, c. 71, s. 7.

CHAPTER 440

Regional Municipality of Peel Act

INTERPRETATION

1. In this Act,

Interpre-
tation

- (a) “area municipality” means the municipality or corporation of the City of Mississauga, the City of Brampton and the Town of Caledon, all as constituted by section 2;
- (b) “bridge” means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) “chairman” means the chairman of the Regional Council;
- (d) “debt” includes any obligation for the payment of money;
- (e) “divided municipality” means a local municipality parts of which are annexed to two or more municipalities under subsection 2 (1);
- (f) “highway” and “road” mean a common and public highway or any part thereof, and include a street, bridge, and any other structure incidental thereto or any part thereof;
- (g) “land” includes lands, tenements and hereditaments and any estate or interest therein, and any right or easement affecting them, and land covered with water, and includes any buildings or improvements on land;
- (h) “local board” means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or

exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the Regional Corporation or of an area municipality or of two or more area municipalities or parts thereof;

- (*i*) "local municipality" means in the year 1973 any local municipality or portion thereof in the Regional Area;
- (*j*) "merged area" means a local municipality that is amalgamated with another local municipality or a part of a local municipality that is annexed to a local municipality to constitute an area municipality under subsection 2 (1) or the local municipality to which such part is annexed;
- (*k*) "Minister" means the Minister of Intergovernmental Affairs;
- (*l*) "Ministry" means the Ministry of Intergovernmental Affairs;
- (*m*) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money, other than a by-law passed under section 92;
- (*n*) "Municipal Board" means the Ontario Municipal Board;
- (*o*) "Regional Area",
 - (i) until the 1st day of January, 1974, means the area included within the County of Peel together with that portion of the Town of Oakville included in the area municipality of the City of Mississauga as defined in clause 2 (1) (*a*), and
 - (ii) on and after the 1st day of January, 1974, means the area from time to time included within the area municipalities;
- (*p*) "Regional Corporation" means The Regional Municipality of Peel;
- (*q*) "Regional Council" means the council of the Regional Corporation;

- (r) "regional road" means a road forming part of the regional road system established under Part III;
- (s) "roadway" means that part of the highway designed or intended for use by vehicular traffic. 1973, c. 60, s. 1.

PART I

AREA MUNICIPALITIES

2.—(1) On the 1st day of January, 1974,

Constitution
of area
municipalities

- (a) The Corporation of the Town of Port Credit and The Corporation of the Town of Streetsville are amalgamated as a city municipality bearing the name of The Corporation of the City of Mississauga and the portions of the Town of Mississauga and the Town of Oakville described as follows are annexed to such city:

FIRSTLY, part of the Town of Mississauga, commencing where the west limit of the present Town of Mississauga intersects the highwater mark of Lake Ontario;

THENCE northerly along that limit to the westerly prolongation of the centre-line of Lot 14, West of Hurontario Street;

THENCE in a general easterly direction the following courses;

EASTERLY along that line to the line between the east and west halves of Concession VI;

SOUTHERLY along that line to the line between the north three-quarter and the south one-quarter of said Lot 14;

EASTERLY along that line to the west limit of Concession V;

SOUTHERLY along that line to the centre-line of Lot 13;

EASTERLY along that line to the line between the west one-quarter and the east three-quarter of Concession V;

SOUTHERLY along that line to the line between Lots 12 and 13;

EASTERLY along that line to the west limit of Concession IV;

SOUTHERLY along that west limit to the line between the north one-quarter and south three-quarter of Lot 12;

EASTERLY along that line to the west limit of Concession III;

SOUTHERLY along that limit to the centre-line of Lot 12;

EASTERLY along that centre-line to the centre-line of Concession III;

NORTHERLY along that centre-line to the line between Lots 12 and 13;

EASTERLY along that line to the west limit of Concession II;

SOUTHERLY along that limit to the line between the north one-quarter and south three-quarter of Lot 12;

EASTERLY along that line to the centre-line of Concession I, West of Hurontario Street;

SOUTHERLY along that centre-line to the centre-line of Lot 12;

EASTERLY along that centre-line to the centre-line of Concession I, East of Hurontario Street;

SOUTHERLY along that centre-line to the line between the north three-quarter and south one-quarter of Lot 12;

EASTERLY along that line to the west limit of Concession II;

SOUTHERLY along that limit to the line between Lots 11 and 12;

EASTERLY along that line to the east limit of Concession II;

NORTHERLY along that limit to the line between the north one-quarter and south three-quarter of Lot 12;

EASTERLY along that line to the centre-line of Concession III;

NORTHERLY along the centre-line to the line between the north three-quarter and south one-quarter of Lot 13;

EASTERLY along that line to the east limit of Concession III;

NORTHERLY along that limit to the line between the north one-quarter and south three-quarter of Lot 13;

EASTERLY along that line to the centre-line of Concession IV;

NORTHERLY along that centre-line to the line between Lots 13 and 14;

EASTERLY along that line to the east limit of Concession IV;

NORTHERLY along that limit to the line between the north three-quarter and the south one-quarter of Lot 14;

EASTERLY along that line to the centre-line of Concession V;

NORTHERLY along that centre-line to the centre-line of Lot 14;

EASTERLY along that centre-line to the west limit of Concession IX;

SOUTHERLY along that limit to the line between Lots 12 and 13;

EASTERLY along that line to the east limit of the present Town of Mississauga;

THENCE southerly, southwesterly and southerly along the easterly limit of the present Town of Mississauga to the highwater mark of Lake Ontario;

THENCE southerly, westerly and northerly to the place of commencement all in accordance with the

limits described in subsection 8 (2) of *The Territorial Division Act*, being chapter 458 of the Revised Statutes of Ontario, 1970.

SECONDLY, part of the Town of Oakville, commencing where the east limit of the present Town of Oakville intersects the centre-line of the King's Highway No. 5;

THENCE westerly along that line to the east limit of the Ninth Line Road;

THENCE northerly along that limit to the centre-line median of the Macdonald-Cartier Freeway;

THENCE easterly along that centre-line to the east limit of the present Town of Oakville;

THENCE southerly along that limit to the place of commencement.

- (b) The Corporation of the Town of Brampton and The Corporation of the Township of Toronto Gore are amalgamated as a city municipality bearing the name of The Corporation of the City of Brampton and those portions of the Town of Mississauga and the Township of Chinguacousy described as follows are annexed to such City:

FIRSTLY, part of the Town of Mississauga, commencing where the west limit of the present Town of Mississauga intersects the westerly prolongation of the centre-line of Lot 14;

THENCE in a general easterly direction the following courses;

EASTERLY along that line to the line between the east and west halves of Concession VI;

SOUTHERLY along that line to the line between the north three-quarter and the south one-quarter of said Lot 14;

EASTERLY along that line to the west limit of Concession V;

SOUTHERLY along that line to the centre-line of Lot 13;

EASTERLY along that line to the line between the west one-quarter and the east three-quarter of Concession V;

SOUTHERLY along that line to the line between Lots 12 and 13;

EASTERLY along that line to the west limit of Concession IV;

SOUTHERLY along that west limit to the line between the north one-quarter and south three-quarter of Lot 12;

EASTERLY along that line to the west limit of Concession III;

SOUTHERLY along that limit to the centre-line of Lot 12;

EASTERLY along that centre-line to the centre-line of Concession III;

NORTHERLY along that centre-line to the line between Lots 12 and 13;

EASTERLY along that line to the west limit of Concession II;

SOUTHERLY along that limit to the line between the north one-quarter and south three-quarter of Lot 12;

EASTERLY along that line to the centre-line of Concession I, West of Hurontario Street;

SOUTHERLY along that centre-line to the centre-line of Lot 12;

EASTERLY along that centre-line to the centre-line of Concession I, East of Hurontario Street;

SOUTHERLY along that centre-line to the line between the north three-quarter and south one-quarter of Lot 12;

EASTERLY along that line to the west limit of Concession II;

SOUTHERLY along that limit to the line between Lots 11 and 12;

EASTERLY along that line to the east limit of Concession II;

NORTHERLY along that limit to the line between the north one-quarter and south three-quarter of Lot 12;

EASTERLY along that line to the centre-line of Concession III;

NORTHERLY along the centre-line to the line between the north three-quarter and south one-quarter of Lot 13;

EASTERLY along that line to the east limit of Concession III;

NORTHERLY along that limit to the line between the north one-quarter and south three-quarter of Lot 13;

EASTERLY along that line to the centre-line of Concession IV;

NORTHERLY along that centre-line to the line between Lots 13 and 14;

EASTERLY along that line to the east limit of Concession IV;

NORTHERLY along that limit to the line between the north three-quarter and the south one-quarter of Lot 14;

EASTERLY along that line to the centre-line of Concession V;

NORTHERLY along that centre-line to the centre-line of Lot 14;

EASTERLY along that centre-line to the west limit of Concession IX;

SOUTHERLY along that limit to the line between Lots 12 and 13;

EASTERLY along that line to the east limit of the present Town of Mississauga;

THENCE northerly, westerly and southerly along the east, north and west limits of the Town to the place of commencement;

SECONDLY, part of the Township of Chinguacousy, commencing where the south limit of the present

Township of Chinguacousy intersects the west limit of the present Town of Brampton;

THENCE westerly along that limit to the west limit of the Township;

THENCE northerly along that limit to the westerly prolongation of the centre line of No. 17 Side Road;

THENCE generally easterly along that centre line to its intersection with the east limit of the Canadian Pacific Railway right-of-way;

THENCE northerly along that limit to its intersection with the line between Lots 18 and 19;

THENCE easterly along that line to its intersection with the centre line of Concession I east of Hurontario Street;

THENCE southerly along that centre line to its intersection with the centre line of No. 17 Side Road;

THENCE generally easterly along that centre line and its prolongations to the east limit of the Township;

THENCE southerly along that limit to the south limit of the Township;

THENCE westerly along that limit to the west limit of the present Town of Brampton;

THENCE northerly, westerly and southerly along the limits of the Town of Brampton to the place of commencement.

- (c) The Corporation of the Township of Albion, The Corporation of the Township of Caledon, The Corporation of the Village of Bolton and The Corporation of the Village of Caledon East are amalgamated as a town municipality bearing the name of The Corporation of the Town of Caledon and the portion of the Township of Chinguacousy described as follows is annexed to such town:

Part of the Township of Chinguacousy, commencing where the west limit of the present Township of Chinguacousy intersects the westerly prolongation of the centre-line of No. 17 Side Road;

THENCE northerly, easterly and southerly along the west, north and east limits of the Township to its intersection with the centre line of No. 17 Side Road;

THENCE generally westerly along that centre line to its intersection with the centre line of Concession I east of Hurontario Street;

THENCE northerly along that centre line to its intersection with the line between Lots 18 and 19;

THENCE westerly along that line to its intersection with the east limit of the Canadian Pacific Railway right-of-way;

THENCE southerly along that east limit to its intersection with the centre line of the No. 17 Side Road;

THENCE generally westerly along that centre line to the place of commencement. 1973, c. 60, s. 2 (1).

Portion of
Brampton
annexed to
Mississauga

(2) That portion of the City of Brampton described as follows is annexed to the City of Mississauga on the 1st day of July, 1975:

That tract of land situate in the City of Brampton, in The Regional Municipality of Peel, formerly in the Township of Toronto Gore, Southern Division, County of Peel, and being composed of part of Lot 13 in Concession IX, east of Hurontario Street, in the said City of Brampton, more particularly described as follows:

Beginning at the most southerly angle of the said Lot 13;

Thence northwesterly along the southwesterly limit of Lot 13, to the southwesterly angle of the Clairville Dam and Reservoir lands owned by the Metropolitan Toronto and Region Conservation Authority and described in an instrument registered in the Land Registry Office for the Registry Division of Peel (No. 43) as Number 142749;

Thence northeasterly along the southerly limit of the Clairville Dam and Reservoir lands as described in the said Instrument Number 142749, 773.23 feet to an angle therein;

Thence northeasterly, continuing along the southerly limit of the Clairville Dam lands, being along the southerly limit of the lands described in an instrument registered in the said Land Registry Office as Number 175348, 523.33 feet, more

or less, to the intersection with the easterly limit of the City of Brampton, which is the westerly limit of the allowance for road between the City of Brampton and the Borough of Etobicoke;

Thence southerly along the last-mentioned limit to the southeasterly angle of the said Lot 13;

Thence southwesterly along the southeasterly limit of the said Lot 13 to the place of beginning. 1975, c. 46, s. 13, *part*.

(3) Those portions of the City of Brampton described as follows are annexed to the City of Mississauga on the 31st day of December, 1980:

Portions of
Brampton
annexed to
Mississauga

FIRSTLY, part of the City of Brampton, commencing at a point in the southwesterly boundary of the City of Mississauga and the southwesterly prolongation of the centre line of Lot 14 in Concession VI, West of Hurontario Street, in the former Township of Toronto;

Thence northwesterly along the southwesterly boundary of the City of Mississauga to the intersection of the southwesterly prolongation of the southeasterly limit of a Plan deposited in the Land Registry Office for the Land Registry Division of Peel (No. 43) as Number 43R-4466;

Thence northeasterly to and along the southeasterly limit of the said Plan Number 43R-4466 to the northwesterly boundary of the City of Mississauga;

Thence southwesterly along the boundary of the City of Mississauga to the place of commencement;

SECONDLY, part of the City of Brampton, commencing at the intersection of the northwesterly boundary of the City of Mississauga and the southeasterly limit of a Plan deposited in the said Land Registry Office as Number 43R-5349;

Thence southwesterly along the southeasterly limit of the said Plan Number 43R-5349 to the centre line of Concession VI, West of Hurontario Street;

Thence southeasterly along the centre line of Concession VI to the northwesterly boundary of the City of Mississauga;

Thence northeasterly along the northwesterly boundary of the City of Mississauga to the place of commencement;

THIRDLY, part of the City of Brampton, commencing at the intersection of the southwesterly limit of Concession V, West of

Hurontario Street, and the northwesterly boundary of the City of Mississauga;

Thence northwesterly along the southwesterly limit of Concession V, being along the boundary of the said City, to the northwesterly angle of Part 4 as shown on a Plan deposited in the said Land Registry Office as Number 43R-4116;

Thence north $67^{\circ} 31' 50''$ east 1,327.383 metres to a point;

Thence north $38^{\circ} 36' 40''$ east 146.206 metres to a point in the northeasterly limit of Lot 13 in Concession V distant 1.548 metres measured north $44^{\circ} 56' 30''$ west from the easterly angle of Lot 13;

Thence northeasterly to a point in the southwesterly limit of Lot 13 in Concession IV West of Hurontario Street distant 1.646 metres measured north $44^{\circ} 55' 40''$ west from the southerly angle of Lot 13;

Thence north $38^{\circ} 36' 35''$ east 1,354.065 metres to a point in the southwesterly limit of Lot 13 in Concession III, West of Hurontario Street, distant 5.316 metres measured north $44^{\circ} 37' 20''$ west from the southerly angle of Lot 13;

Thence north $38^{\circ} 36' 35''$ east 2,002.256 metres to a point;

Thence north $52^{\circ} 09' 01''$ east 838.1 metres, more or less, to the northwesterly boundary of the City of Mississauga, in Concession I, West of Hurontario Street;

Thence southwesterly along the northwesterly boundaries of the City of Mississauga to the place of commencement.

FOURTHLY, part of the City of Brampton, commencing at the intersection of the northwesterly boundary of the City of Mississauga and the centre line of Lot 12 in Concession I, West of Hurontario Street in the former Township of Toronto;

Thence south $52^{\circ} 09' 01''$ west 67 metres, more or less, to the centre line of Concession I;

Thence southeasterly along the centre line of Concession I to an angle in the City of Mississauga;

Thence northeasterly along the northwesterly boundary of the City of Mississauga to the place of commencement;

FIFTHLY, part of the City of Brampton, commencing at the intersection of the northwesterly boundary of the City of Missis-

sauga and the southwesterly limit of Concession II, East of Hurontario Street in the former Township of Toronto;

Thence north $44^{\circ} 09' 35''$ west along the southwesterly limit of Concession II 1.44 metres to a point;

Thence north $39^{\circ} 28' 10''$ east 598.511 metres to a point;

Thence south $31^{\circ} 20' 30''$ east 0.097 metres to the southeasterly boundary of the City of Brampton;

Thence southwesterly along the southeasterly limit of the City of Brampton to the place of commencement.

(4) Those portions of the City of Mississauga described as follows are annexed to the City of Brampton on the 31st day of December, 1980:

Portions of
Mississauga
annexed to
Brampton

FIRSTLY, part of the City of Mississauga, commencing at the southwesterly angle of Part 3 as shown on a Plan deposited in the Land Registry Office for the Land Registry Division of Peel (No. 43) as Number 43R-4466;

Thence northeasterly along the southeasterly limit of plans deposited in the said Land Registry Office as numbers 43R-4466 and 43R-5349 to the centre line of Concession VI, West of Hurontario Street, in the former Township of Toronto;

Thence northwesterly along the centre line of Concession VI to the southeasterly boundary of the City of Brampton;

Thence southwesterly along the southeasterly boundary of the City of Brampton to the place of commencement;

SECONDLY, part of the City of Mississauga, commencing at the intersection of the southeasterly boundary of the City of Brampton and the southerly limit of a Plan deposited in the said Land Registry Office as Number 43R-5349;

Thence easterly along the southerly limit of the said Plan Number 43R-5349 to the southwesterly limit of the road allowance between Concessions V and VI, West of Hurontario Street;

Thence easterly crossing the said road allowance to the westerly angle of Part 4 as shown on a Plan deposited in the said Land Registry Office as Number 43R-4116;

Thence northwesterly along the northeasterly limit of the said road allowance to an angle in the City of Brampton;

Thence southwesterly along the southeasterly boundary of the City of Brampton to the place of commencement;

THIRDLY, part of the City of Mississauga, commencing at the intersection of the southeasterly boundary of the City of Brampton and the centre line of Concession I, West of Hurontario Street, in the former Township of Toronto;

Thence south $52^{\circ} 09' 01''$ west 611.4 metres, more or less, to the southeasterly boundary of the City of Brampton;

Thence northeasterly along the southeasterly limit of the northwesterly quarter of Lot 12 in Concession I to an angle in the City of Brampton;

Thence southeasterly along a northeasterly boundary of the City of Brampton to the place of commencement;

FOURTHLY, part of the City of Mississauga, commencing at the intersection of the southeasterly boundary of the City of Brampton and the southerly limit of a Plan deposited in the said Land Registry Office as Number 43R-5308;

Thence north $52^{\circ} 09' 01''$ east along the southerly limit of the said Plan Number 43R-5308 a distance of 472.4 metres, more or less, to an angle therein;

Thence north $57^{\circ} 01' 40''$ east along the southerly limit of the said Plan Number 43R-5308 a distance of 115.928 metres to the easterly angle of the said Plan;

Thence easterly crossing the King's Highway No. 10 to the southwesterly angle of a Plan deposited in the said Land Registry Office as Number 43R-5348;

Thence north $57^{\circ} 13'$ east along the southerly limit of the said Plan 294.894 metres to a point;

Thence north $52^{\circ} 20' 20''$ east along the southerly limit of the said Plan a distance of 198.315 metres to a point;

Thence north $39^{\circ} 28' 10''$ east 896.91 metres to the southwesterly limit of Concession II, East of Hurontario Street;

Thence northwesterly along the southwesterly limit of Concession II to the southeasterly boundary of the City of Brampton;

Thence southwesterly along the southeasterly boundary of the City of Brampton to the place of commencement;

FIFTHLY, part of the City of Mississauga, commencing at an angle in the southeasterly boundary of the City of Brampton, the

said angle being the southerly angle of the northeasterly half of Lot 12 in Concession II East of Hurontario Street in the former Township of Toronto;

Thence south $44^{\circ} 15' 40''$ east 38.402 metres to a point;

Thence north $39^{\circ} 28' 10''$ east 587.30 metres to a point;

Thence north $20^{\circ} 43' 30''$ east 2,782.99 metres to a point;

Thence north $27^{\circ} 58'$ east 869.52 metres to a point;

Thence north $4^{\circ} 00' 50''$ west 652.1 metres, more or less, to the southeasterly boundary of the City of Brampton;

Thence southerly following the boundaries of the City of Brampton to the place of commencement.

(5) Subsection (7) applies with necessary modifications to the annexations provided for in subsections (2), (3) and (4). 1980, c. 76, s. 1. Annexations deemed by O.M.B. order

(6) The following police villages are dissolved on the 1st day of January, 1974: Dissolution of police villages

1. The Police Village of Alton.
2. The Police Village of Caledon.
3. The Police Village of Inglewood.
4. The Police Village of Palgrave.

(7) For the purposes of every Act, the amalgamations, annexations and dissolutions provided for in this Part shall be deemed to have been effected by orders of the Municipal Board not subject to section 42 of the *Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the 22nd day of June, 1973 pursuant to applications made under sections 14 and 25 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, and, subject to the provisions of this Act, the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations, annexations and dissolutions, and sections 94 and 95 of the *Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers and "municipalities" in clause 14 (11) (a) of the *Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed. 1973, c. 60, s. 2 (2, 3). Amalgamations, annexations, and dissolutions deemed by Municipal Board orders R.S.O. 1980, cc. 347, 302

Composition
of area
municipal
councils

3.—(1) The council of each area municipality shall be composed of a mayor, who shall be elected by a general vote of the electors of the area municipality and shall be the head of the council, and the following number of other members of council:

1. The City of Mississauga—Nine members elected by wards.
2. The City of Brampton—Sixteen members elected by wards.
3. The Town of Caledon—Nine members elected by wards. 1973, c. 60, s. 3 (1).

Alteration
of wards, etc.,
by O.M.B.

(2) Notwithstanding the provisions of this or any other Act, upon the application of an area municipality authorized by a by-law of the council thereof, or upon the petition of electors in accordance with the provisions of section 13 of the *Municipal Act*, the Municipal Board may, by order,

R.S.O. 1980,
c. 302

- (a) divide or redivide the area municipality into wards, and shall designate the name or number each ward shall bear and shall declare the date when the division or redivision shall take effect;
- (b) alter or dissolve any or all of the wards in the area municipality and shall declare the date when such alterations or dissolutions shall take effect; or
- (c) vary the composition of the council of the area municipality,

provided that,

- (d) no order made under this section shall alter the total number of members who represent the area municipality on the Regional Council as provided for in this Act; and
- (e) the mayor of the area municipality shall continue to be elected by a general vote of the electors of the area municipality, and shall be the head of council of the area municipality, and shall be a member of the Regional Council, as provided for in this Act. 1976, c. 43, s. 61.

Order of
L. G. in C.

(3) Notwithstanding section 7, the Lieutenant Governor in Council, upon the recommendation of the Minister, may by order authorize such method of selecting the members who represent the area municipality on the Regional Council as is considered advisable following an order of the Municipal Board under subsection (2). 1977, c. 34, s. 27.

(4) Where the Minister is inquiring into the structure, organization and methods of operation of one or more area municipalities or the Regional Corporation, he may give notice to the Municipal Board of such inquiry and that in his opinion any application or applications and any petition or petitions made under subsection (2) should be deferred until the inquiry has been completed and considered, and thereupon all proceedings in any such application are stayed until he gives notice to the Municipal Board that they may be continued. 1979, c. 81, s. 77.

Stay of proceedings pending completion of inquiry

4. No area municipality shall have a Board of Control. 1973, c. 60, s. 5.

No Board of Control

PART II

INCORPORATION AND ESTABLISHMENT OF THE REGIONAL COUNCIL

5.—(1) The inhabitants of the Regional Area are continued as a body corporate under the name of "The Regional Municipality of Peel".

Regional Corporation continued

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of the *Municipal Affairs Act* and the *Ontario Municipal Board Act*.

Deemed municipality under R.S.O. 1980, cc. 303, 347

(3) The Regional Area shall for all judicial purposes be deemed to be a county and be known as the Judicial District of Peel.

Regional Area deemed judicial district

(4) Nothing in this Act shall be deemed to alter the boundaries of any registry or land titles division.

Registry boundaries

(5) Every person who held an office or appointment under any Act on the 31st day of December, 1973, in and for the County of Peel shall be deemed, so long as he continues to hold such office or appointment, to hold such office or appointment on and after the 1st day of January, 1974, in and for the Judicial District of Peel. 1973, c. 60, s. 6, *revised*.

Appointments for County of Peel deemed appointments for Judicial District of Peel

6.—(1) The powers of the Regional Corporation shall be exercised by the Regional Council and, except where otherwise provided, the jurisdiction of the Regional Council is confined to the Regional Area.

Regional Council to exercise corporate powers

(2) Except where otherwise provided, the powers of the Regional Council shall be exercised by by-law.

Powers exercised by by-law

(3) A by-law passed by the Regional Council in the exercise of any of its powers and in good faith shall not be open to question, or be quashed, set aside or declared invalid either

Not to be quashed as unreasonable

wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them. 1973, c. 60, s. 7.

Composition
of Regional
Council

7. The Regional Council shall consist of twenty-two members composed of a chairman and,

- (a) the mayor of each area municipality;
- (b) nine members of council from the City of Mississauga being the remainder of the council of the City;
- (c) five members of council from the City of Brampton elected by wards as members of the Regional Council and such city council; and
- (d) four members of council from the Town of Caledon elected by wards as members of the Regional Council and such town council. 1973, c. 60, s. 8 (1).

Election of
chairman

8.—(1) At the first meeting of the Regional Council after a regular election at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for the term of the council and until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected. 1978, c. 33, s. 68 (1).

Where
chairman
member of
area council

(2) Where a member of the council of an area municipality becomes chairman, he shall be deemed to have resigned as a member of such council, and his seat on such council thereby becomes vacant. 1973, c. 60, s. 9 (3).

Failure
to elect
chairman

(3) If at the first meeting of the Regional Council after a regular election a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for the term of the council and until his successor is elected or appointed in accordance with this Act. 1978, c. 33, s. 68 (2).

First
meeting of
area councils

9.—(1) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality after a regular election shall be held not later than the seventh day following the day on which the term of office in respect of which the election was held commences.

(2) The first meeting of the Regional Council after a regular election shall be held after the councils of the area municipalities have held their first meetings under subsection (1), but in any event not later than the fourteenth day following the day on which the term of office in respect of which the election was held commences, on such date and at such time and place as may be fixed by by-law of the Regional Council. 1978, c. 33, s. 69.

First
meeting of
Regional
Council

(3) A person entitled to be a member of the Regional Council in accordance with section 7, other than the mayor of each area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council that he attends a certificate under the hand of the clerk of the area municipality that he represents, and under the seal of such area municipality certifying that he is entitled to be a member under such section. 1973, c. 60, s. 10 (4).

Certificate of
qualification

(4) The chairman, before taking his seat, shall take an oath of allegiance in Form 1 and a declaration of qualification in Form 2.

Oath of
allegiance
and
declaration of
qualification

(5) No business shall be proceeded with at the first meeting of the Regional Council until after the declarations of office in Form 3 of the *Municipal Act* have been made by all members who present themselves for that purpose.

Declaration
of office

R.S.O. 1980,
c. 302

(6) The Regional Council shall be deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in section 10. 1973, c. 60, s. 10 (6-8).

When Council
deemed
organized

10.—(1) Twelve members of the Regional Council representing all area municipalities are necessary to form a quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure.

Quorum,
voting

(2) Subject to subsection (3), each member of the Regional Council has one vote only.

One vote

(3) The chairman does not have a vote except in the event of an equality of votes. 1973, c. 60, s. 11.

Chairman
vote

11. Subject to section 9, all meetings of the Regional Council shall be held at such times as the Regional Council from time to time appoints. 1973, c. 60, s. 12.

Place of
meeting

12.—(1) When a vacancy occurs in the office of a chairman who has been appointed by the Lieutenant Governor in Council, some person shall be appointed by the Lieutenant Governor

Vacancies,
chairman

in Council to hold office as chairman for the remainder of the term of his predecessor.

Idem

(2) When a vacancy occurs in the office of a chairman who has been elected under subsection 8 (1), the Regional Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman who may be one of the members of the Regional Council, or any other person, to hold office for the remainder of the term of his predecessor.

Idem

(3) If the Regional Council fails to elect a chairman within twenty days as required by subsection (2), the Lieutenant Governor in Council may appoint a person as chairman to hold office for the remainder of the term of his predecessor. 1973, c. 60, s. 13 (1-3).

Other
members

(4) When a vacancy occurs in the office of a member, other than the chairman or the head of the council of an area municipality, the council of the area municipality of which he was a member shall by by-law within sixty days after the vacancy occurs appoint a successor, who may be a member of the council or a person who is eligible to be elected a member of the council, to hold office for the remainder of the term of his predecessor. 1973, c. 60, s. 13 (4); 1976, c. 43, s. 62.

Resignation

(5) Where a member has been elected as a member of the Regional Council, resignation from either the Regional Council or the council of the area municipality shall be deemed to be a resignation from both councils.

Where head
of council
incapacitated

(6) In the event that the head of a council of an area municipality is for any reason unable to fulfil his duties as a member of the Regional Council for a period exceeding one month, the council of the area municipality may by by-law appoint one of its members as an alternate representative to the Regional Council who shall act in the place and stead of the head of council during his incapacity, but no such by-law shall have effect for a period longer than one month from its effective date. 1973, c. 60, s. 13 (5, 6).

Committees

13. The Regional Council may from time to time establish such standing or other committees and assign to them such duties as it considers expedient. 1973, c. 60, s. 15 (1).

Procedural
by-laws

14. The Regional Council may pass by-laws for governing the proceedings of the Regional Council and any of its committees, the conduct of its members and the calling of meetings. 1973, c. 60, s. 16.

15.—(1) The chairman is the head of the Regional Council ^{Head of Council} and is the chief executive officer of the Regional Corporation.

(2) The Regional Council may by by-law appoint a chief ^{Chief administrative officer} administrative officer, who,

- (a) shall have such general control and management of the administration of the government and affairs of the Regional Corporation and perform such duties as the Regional Council by by-law prescribes;
- (b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;
- (c) shall hold office during the pleasure of the Regional Council; and
- (d) shall receive such salary as the Regional Council by by-law determines.

(3) Subsection 99 (2) of the *Municipal Act* applies to a chief ^{Application of R.S.O. 1980, c. 302} administrative officer appointed under subsection (2) of this section. 1973, c. 60, s. 17.

16.—(1) When the chairman is absent or refuses to act, ^{Acting chairman} or his office is vacant, the Regional Council may by resolution appoint one of its members to act in his place and stead and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

(2) The Regional Council may by by-law appoint a ^{Idem} member of the Regional Council to act from time to time in the place and stead of the chairman when the chairman is absent from the Regional Area or absent through illness or his office is vacant and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman. 1974, c. 117, s. 34.

17.—(1) Sections 57, 58, 60, 62, 63, 129, 137 to 141, 238, 239, 240 to 244, 247, 248, 249 and 250 of the *Municipal Act* apply with ^{Application of R.S.O. 1980, c. 302} necessary modifications to the Regional Corporation. 1980, c. 33, s. 17.

(2) Sections 55, 64, 65 and 107 of the *Municipal Act* apply with ^{Idem} necessary modifications to the Regional Council and to every local board of the Regional Corporation. 1973, c. 60, s. 19 (2).

Appoint-
ment of
clerk

18.—(1) The Regional Council shall appoint a clerk, whose duty it is,

- (a) to record truly without note or comment, all resolutions, decisions and other proceedings of the Regional Council;
- (b) if required by any member present, to record the name and vote of every member voting on any matter or question;
- (c) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the Regional Council and its committees; and
- (d) to perform such other duties as may be assigned to him by the Regional Council.

Deputy
clerk

(2) The Regional Council may appoint a deputy clerk who shall have all the powers and duties of the clerk.

Acting
clerk

(3) When the office of clerk is vacant or the clerk is unable to carry on his duties through illness or otherwise, the Regional Council may appoint an acting clerk *pro tempore* who shall have all the powers and duties of the clerk. 1973, c. 60, s. 20 (1-3).

Minutes
open to
inspection

19.—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents in the possession or under the control of the clerk, except interdepartmental correspondence and reports of officials of any department or of solicitors for the Regional Corporation made to the Regional Council or any of its committees, and the clerk within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the Regional Corporation to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix.

Index of
by-laws
affecting
land

(2) The clerk shall keep an index book in which he shall enter the number and date of all by-laws passed by the Regional Council that affect land or the use thereof in the Regional Area but do not directly affect the title to land.

Copies
certified by
clerk to be
receivable in
evidence

(3) A copy of any record, book or document in the possession or under the control of the clerk, purporting to be certified under his hand and the seal of the Regional Corporation, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have

signed the same, and without further proof, unless the court otherwise directs. 1973, c. 60, s. 21.

20.—(1) The Regional Council shall appoint a treasurer ^{Appointment of treasurer} who shall keep the books, records and accounts, and prepare the annual financial statements of the Regional Corporation and preserve and file all accounts of the Regional Corporation and shall perform such other duties as may be assigned to him by the Regional Council.

(2) The Regional Council may appoint a deputy treasurer ^{Deputy treasurer} who shall have all the powers and duties of the treasurer.

(3) When the office of the treasurer is vacant or the treasurer ^{Acting treasurer} is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting treasurer *pro tempore* who shall have all the powers and duties of the treasurer. 1973, c. 60, s. 22.

21.—(1) The treasurer shall receive and safely keep all ^{Receipt and disbursement of money} money of the Regional Corporation and shall pay out money to such persons and in such manner as the law in force in Ontario and the by-laws or resolutions of the Regional Council direct, provided that every cheque issued by the treasurer shall be signed by the treasurer and by some other person or persons designated for the purpose by by-law or resolution of the Regional Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized.

(2) Notwithstanding subsection (1), the Regional Council ^{Signing of cheques} may by by-law,

(a) designate one or more persons to sign cheques in lieu of the treasurer; and

(b) provide that the signature of the treasurer and of any other person authorized to sign cheques may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

(3) The Regional Council may by by-law provide that the ^{Petty cash fund} treasurer may establish and maintain a petty cash fund of an amount of money sufficient to make change and pay small accounts, subject to such terms and conditions as the by-law may provide.

(4) Except where otherwise expressly provided by this Act, ^{When member may be paid} a member of the Regional Council shall not receive any money from the treasurer for any work or service performed or to be

performed, but nothing in this subsection prevents the payment of any moneys under any contract in respect of which the member has complied with section 2 of the *Municipal Conflict of Interest Act*.

R.S.O. 1980,
c. 305

Treasurer's
liability
limited

(5) The treasurer is not liable for money paid by him in accordance with a by-law or resolution of the Regional Council, unless another disposition of it is expressly provided for by statute. 1973, c. 60, s. 23.

Bank
accounts

22. Subject to subsection 21 (3), the treasurer shall,

- (a) open an account or accounts in the name of the Regional Corporation in such of the chartered banks of Canada or at such other place of deposit as may be approved by the Regional Council;
- (b) deposit all money received by him on account of the Regional Corporation, and no other money, to the credit of such account or accounts, and no other account; and
- (c) keep the money of the Regional Corporation entirely separate from his own money and from that of any other person,

and, notwithstanding subsection 21 (1), the Regional Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the treasurer vary from such provisions. 1973, c. 60, s. 24.

Monthly
statement

23.—(1) The treasurer shall prepare and submit to the Regional Council, monthly, a statement of the money at the credit of the Regional Corporation.

Notice to
sureties

(2) Where the treasurer is removed from office or absconds, the Regional Council shall forthwith give notice to his sureties. 1973, c. 60, s. 25.

Appointment
of auditors

24.—(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause by the Regional Council, and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation, except school boards. 1977, c. 34, s. 28.

Cost of
audit

(2) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the Regional

Corporation and charged back to the local board, and, in the event of a dispute as to the amount of the cost, the Ministry may upon application finally determine the amount thereof. 1973, c. 60, s. 26 (2).

(3) No person shall be appointed as an auditor of the Regional Corporation who is or during the preceding year was a member of the Regional Council or of the council of an area municipality or of any local board, the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the Regional Corporation or an area municipality or any such local board, or any employment with any of them other than for services within his professional capacity. 1976, c. 43, s. 63.

Disquali-
fication
of auditors

(4) An auditor shall perform such duties as are prescribed by the Ministry and also such duties as may be required by the Regional Council or any local board of the Regional Corporation that do not conflict with the duties prescribed by the Ministry. 1973, c. 60, s. 26 (4).

Duties of
auditors

25.—(1) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Peel or a local board thereof, the Regional Corporation or a local board thereof shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the 22nd day of June, 1973 in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the Regional Corporation or local board thereof and such employee shall have uninterrupted membership or entitlement to membership, as the case may be, in the Ontario Municipal Employees Retirement System.

Pensions

(2) Where the Regional Corporation or a local board thereof is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area, the employee shall be deemed to remain an employee of the local municipality or local board thereof for the purposes of his entitlement under any approved pension plan or supplementary plan.

Idem

(3) Where the Regional Corporation or a local board thereof is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Peel or a local board thereof, the employee shall be deemed to remain an employee of the

Sick leave
credits

municipality or local board thereof until the Regional Corporation or local board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the Regional Corporation, whereupon the Regional Corporation or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the municipality or local board thereof.

Holidays

(4) Where the Regional Corporation or a local board thereof is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Peel or a local board thereof the Regional Corporation or local board thereof shall, during the first year of his employment by the Regional Corporation or local board thereof, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the municipality or local board thereof.

**Offer of
employment**

(5) The Regional Council shall offer to employ every person who, on the 1st day of April, 1973, is employed by the County of Peel or by any local board thereof or in any undertaking of, or operated on behalf of, any local municipality or local board that is assumed by the Regional Corporation under this Act and who continues to be so employed until the 31st day of December, 1973. 1973, c. 60, s. 27 (1-5).

**Application of
R.S.O. 1980,
c. 348**

(6) The Regional Corporation shall be deemed to be a municipality for the purposes of the *Ontario Municipal Employees Retirement System Act*.

**Offer of
employment**

(7) The employees of the local municipalities and the local boards thereof within the Regional Area, which are amalgamated or annexed in whole or in part to form an area municipality, who were employed by such a local municipality or local board on the 1st day of April, 1973 and who continue to be so employed until the 31st day of December, 1973, except employees offered employment by the Regional Council under subsection (5), shall be offered employment by the council of the area municipality with which they are amalgamated or to which they are annexed.

**Sick leave
credits**

(8) Any sick leave credits standing, on the 31st day of December, 1973, to the credit of any person who accepts employment under subsection (7) shall be placed to the credit of such employee in any sick leave credit plan established by the new employer.

Holidays

(9) Any person who accepts employment under subsection (7) shall be entitled to receive during the first year of his

employment such holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the local municipality or local board by which he was formerly employed.

(10) Where under the provisions of this section any employee in the opinion of the Minister, experiences any difficulty or hardship with regard to the transfer of any pension rights or sick leave credits, the Minister may by order do anything necessary to remedy or alleviate such difficulty or hardship. Pension rights and sick leave credits

(11) Nothing in this section prevents any employer from terminating the employment of an employee for cause. 1973, Termination of employment c. 60, s. 27 (7-12).

PART III

REGIONAL ROAD SYSTEM

26. In this Part,

Interpretation

- (a) "approved" means approved by the Minister or of a type approved by the Minister;
- (b) "construction" includes reconstruction;
- (c) "maintenance" includes repair;
- (d) "Minister" means the Minister of Transportation and Communications;
- (e) "Ministry" means the Ministry of Transportation and Communications;
- (f) "road authority" means a body having jurisdiction and control of a highway. 1973, c. 60, s. 28.

27.—(1) On and after the 1st day of January, 1974, all roads on the 31st day of December, 1973, under the jurisdiction and control of the County of Peel shall constitute the regional road system together with those roads under the jurisdiction and control of the County of Halton that are included within the area municipality of the City of Mississauga. County roads to constitute regional road system

(2) The Regional Council may by by-law from time to time add roads to or remove roads from the regional road system, including such boundary line roads or portions thereof between the Regional Area and an adjoining county, regional or metro- Adding or removing roads by by-law

politan municipality as may be agreed upon between the Regional Council and the council of such adjoining municipality.

Transfer of
provincial
highway to
Regional
Corporation

(3) The Lieutenant Governor in Council may transfer any highway under the jurisdiction and control of the Ministry within the Regional Area to the Regional Corporation and the highway shall for all purposes be deemed to be part of the regional road system on such date as is designated by the Lieutenant Governor in Council and to have been transferred under section 29 of the *Public Transportation and Highway Improvement Act*.

R.S.O. 1980,
c. 421

Vesting of
roads in
regional road
system

(4) Where a road or part thereof forms part of the regional road system, jurisdiction and control and the soil and freehold thereof are vested in the Regional Corporation.

Removal of
roads from
regional road
system

(5) The Lieutenant Governor in Council may remove any road from the regional road system.

Roads
removed from
system

(6) Where a road or a part thereof is removed from the regional road system, except by reason of it being stopped-up pursuant to subsection 37 (1), such road or part is thereupon transferred to and the jurisdiction and control and the soil and freehold thereof is thereupon vested in the area municipality in which it is situate, and the area municipality may sue upon any rights or under any agreements or by-laws in the same manner and to the same extent as the Regional Corporation in respect of such road.

Status of
land acquired
for widening
regional road

(7) Notwithstanding subsection (10), where the Regional Corporation acquires land for the purpose of widening a regional road, the land so acquired, to the extent of the designated widening, forms part of the road and is included in the regional road system.

Idem

(8) When land abutting on a regional road is dedicated for, or apparently for, widening the regional road, the land so dedicated is part of the regional road and the jurisdiction and control and the soil and freehold thereof is vested in the Regional Corporation subject to any rights in the soil reserved by the person who dedicated the land. 1973, c. 60, s. 29 (1-8).

Consolidat-
ing by-law

(9) The Regional Council shall, from time to time, pass a by-law consolidating all by-laws relating to the regional road system. 1980, c. 33, s. 18.

Approval of
by-laws

(10) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant

Governor in Council and the Lieutenant Governor in Council may approve the by-law in whole or in part and, where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it shall not be necessary for the Regional Council to pass any further by-law amending the original by-law or repealing any part thereof that has not been approved, and every such by-law as approved is in force and effect on and after the day named by the Lieutenant Governor in Council.

(11) The *Regulations Act* does not apply to an order in council made under this section. 1973, c. 60, s. 29 (10, 11). Application of R.S.O. 1980, c. 446

28. The Regional Council shall adopt a plan of road construction and maintenance, and from time to time thereafter shall adopt such other plans as may be necessary. 1973, c. 60, s. 30. Plans of construction and maintenance

29. Where the Regional Corporation proposes the construction, improvement or alteration of a regional road, it shall furnish the Minister with such detailed information as he may require. 1973, c. 60, s. 31. Furnishing of information to Minister

30. Where a contribution has been made from any source whatsoever towards an expenditure made under the provisions of section 89 of the *Public Transportation and Highway Improvement Act*, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs. 1973, c. 60, s. 32. Contribution towards expenditures R.S.O. 1980, c. 421

31. The roads included in the regional road system shall be maintained and kept in repair by the Regional Corporation. 1973, c. 60, s. 33. Maintenance and repair

32. The Regional Corporation has, in respect of the roads included in the regional road system, all the rights, powers, benefits and advantages conferred, and is subject to all liabilities imposed, either by statute, by-law, contract or otherwise upon The Corporation of the County of Peel or the County of Halton or the corporation of the area municipality or the corporations of two or more area municipalities which had jurisdiction over the roads before they became part of the regional road system, and the Regional Corporation may sue upon such rights or under such contracts or by-laws in the same manner and to the same extent as the County of Peel or the County of Halton or the area municipality or municipalities as the case may be, might have done if the roads had not become part of the regional road system. 1973, c. 60, s. 34. Power over roads assumed

Sidewalks
excepted

33.—(1) The Regional Corporation is not by reason of a road forming part of the regional road system under this Act liable for the construction or maintenance of sidewalks on any road or portion thereof in the regional road system, but the area municipality in which such sidewalks are located continues to be liable for the maintenance of such sidewalks and is responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 284 of the *Municipal Act* in respect of a sidewalk on a road over which a council has jurisdiction.

R.S.O. 1980,
c. 302

Area muni-
cipalities may
construct
sidewalks,
etc.

(2) An area municipality may construct a sidewalk, or other improvement or service on a regional road, and the Regional Corporation may contribute to the cost of such sidewalk, improvement or service, but no such work shall be undertaken by an area municipality without first obtaining the approval of the Regional Council expressed by resolution.

How cost
provided

(3) The cost of any such sidewalk, improvement or service constructed on a regional road may be met out of the general funds of the area municipality or the work may be undertaken in whole or in part as a local improvement under the *Local Improvement Act*.

R.S.O. 1980,
c. 250

Area muni-
cipality to
conform to
requirements
and be
responsible
for damages

(4) An area municipality when constructing such sidewalk, improvement or service on a regional road shall conform to any requirements or conditions imposed by the Regional Council and is responsible for any injury or damage arising from the construction or presence of the sidewalk, improvement or service on the road. 1973, c. 60, s. 35.

Installation
of traffic
control
devices

34.—(1) The Regional Corporation may construct, install, maintain or remove any works on a highway, other than a road under the jurisdiction and control of the Ministry, including traffic control devices, for the purpose of altering or regulating the flow of traffic upon entering or leaving a road in the regional road system.

Relocation of
intersecting
roads

(2) The Regional Corporation may relocate, alter or divert any public road, other than a road under the jurisdiction and control of the Ministry, entering or touching upon or giving access to a road in the regional road system.

Idem

(3) Where, in relocating, altering or diverting a public road under subsection (2), the Regional Corporation constructs a new road in lieu of the public road, the Regional Corporation may close the public road at the point of intersection with the regional road and may, by by-law, vest the new road

and the soil and freehold and jurisdiction and control thereof in the area municipality in which it is situate.

(4) Where the Regional Corporation constructs a sidewalk, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality may contribute to the cost of such sidewalk, improvement or service and the work may be undertaken in whole or in part under the *Local Improvement Act*. 1973, c. 60, s. 36.

Construction of sidewalk, etc., on area municipality road

R.S.O. 1980, c. 250

35. Where a regional road intersects a road that is under the jurisdiction and control of an area municipality, the continuation of the regional road to its full width across the road so intersected is a part of the regional road system. 1973, c. 60, s. 37.

Intersection of other roads by regional road

36. The Regional Council may pass by-laws for establishing and laying out new roads and for amending the by-law passed under section 27 by adding such new roads to the regional road system, and the provisions of the *Municipal Act* with respect to the establishment and laying out of highways by municipalities apply with necessary modifications. 1973, c. 60, s. 38.

New roads

37.—(1) With respect to the roads in the regional road system and the regulation of traffic thereon, the Regional Corporation has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation of a city by the *Municipal Act*, the *Highway Traffic Act* and any other Act with respect to highways.

Powers and liabilities of Regional Corporation

R.S.O. 1980, cc. 302, 198

(2) The Regional Council or the council of any area municipality may by by-law designate any lane on any road over which it has jurisdiction as a lane solely or principally for use by public transit motor vehicles and prohibit or regulate the use thereof by vehicles other than public transit vehicles to such extent and for such period or periods as may be specified, and for the purposes of this subsection "public transit motor vehicle" means a motor vehicle owned and operated by, for or on behalf of the Regional Corporation or any area municipality as part of its passenger transportation service. 1973, c. 60, s. 39.

Establishment of bus lanes

38.—(1) The Regional Council may by by-law prohibit or regulate the placing or erecting of,

(a) any gasoline pump within forty-five metres of any limit of a regional road;

Erection of gasoline pump and advertising device near regional road

- (b) any sign, notice or advertising device within 400 metres of any limit of a regional road. 1973, c. 60, s. 40 (1); 1978, c. 87, s. 53 (1).

Permits

(2) A by-law passed under this section may provide for the issuing of permits for the placing or erecting of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor. 1973, c. 60, s. 40 (2).

By-laws of area municipalities regulating traffic

39.—(1) No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force unless it has been approved by the Regional Council. 1973, c. 60, s. 41 (1); 1976, c. 43, s. 64 (1).

Regional Council may approve by-law in whole or in part

(2) A by-law submitted for approval of the Regional Council in compliance with subsection (1) may be approved in whole or in part and, where part of a by-law is approved only, that part only shall become operative.

Withdrawal of approval

(3) The Regional Council may withdraw its approval to any by-law or any part thereof by notice sent by registered mail to the clerk of the area municipality and such by-law or part thereof shall be deemed to be repealed twenty-one days after the sending of the notice. 1976, c. 43, s. 64 (2).

Signal-light devices

(4) All signal-light traffic control devices heretofore or hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the Regional Council, and the Regional Council may delegate any of its powers in respect of the operation of such devices to an officer of the Regional Corporation designated in the by-law.

Contribution towards costs of signal-lights

(5) The Regional Corporation may contribute toward the cost of the erection of signal-light traffic control devices erected by an area municipality. 1973, c. 60, s. 41 (2, 3).

Traffic control within thirty metres of regional roads

R.S.O. 1980, c. 198

(6) Subject to the *Highway Traffic Act*, the Regional Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of thirty metres on either side of the limit of a regional road, and, where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict. 1973, c. 60, s. 41 (4); 1978, c. 87, s. 53 (2).

Agreements for pedestrian walks

40. The Regional Council may by by-law authorize agreements between the Regional Corporation and the

owners or lessees of land abutting on a highway for the construction, maintenance and use of walks for pedestrians over, across or under the highway upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof, and for leasing or licensing the use of untravelled portions of such walks and adjoining lands to persons for such considerations and upon such terms and conditions as may be agreed. 1973, c. 60, s. 42.

41.—(1) Sections 292 and 294 of the *Municipal Act* do not apply to a bridge or highway crossing or forming a boundary between the Regional Area and an adjoining municipality where such bridge or highway is included in the regional road system and in the road system of the municipality.

Disputes as to maintenance, etc., of bridges and highways
R.S.O. 1980, c. 302

(2) Where there is a difference between the Regional Council and the council of a municipality in respect of any such bridge or highway as to the corporation upon which the obligation rests for the constructing or maintaining of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the Regional Council and the council of the municipality are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the Regional Corporation or the corporation of the municipality.

Idem

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality and of the Regional Corporation, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities in regard to such bridge or highway, and the Municipal Board may make such order with respect to the same as it may consider just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute toward the building and maintaining of such bridge or highway.

Hearing by O.M.B.

(4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive. 1973, c. 60, s. 43.

Term of order

42. Clause 261 (1) (b) of the *Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities, and the councils of the

Boundary bridges between area municipalities
R.S.O. 1980, c. 302

area municipalities on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system. 1973, c. 60, s. 44.

Boundary
bridges
between
Regional Area
and adjoining
municipality

43. Section 276 of the *Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the Regional Area and an adjoining municipality, and the councils of the area municipality and the adjoining local municipality on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system. 1973, c. 60, s. 45.

Restrictions

44.—(1) The Regional Council has, with respect to all land lying within a distance of forty-five metres from any limit of a regional road, all the powers conferred on the council of a local municipality by section 39 of the *Planning Act*. 1973, c. 60, s. 46 (1); 1978, c. 87, s. 53 (3).

R.S.O. 1980,
c. 379

Conflict
with local
by-laws

(2) In the event of conflict between a by-law passed under subsection (1) by the Regional Council and a by-law passed under section 39 of the *Planning Act* or a predecessor of such section by the council of a local municipality that is in force in the area municipality in which the land is situate, the by-law passed by the Regional Council prevails to the extent of such conflict. 1973, c. 60, s. 46 (2).

Controlled-
access roads

45.—(1) The Regional Council may by by-law designate any road in the regional road system, or any portion thereof, as a controlled-access road.

Closing
municipal
roads

(2) Subject to the approval of the Municipal Board, the Regional Council may by by-law close any municipal road that intersects or runs into a regional controlled-access road.

Notice of
application
for approval
for closing
road

(3) The Municipal Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such time, in such manner and to such persons as the Municipal Board may determine, and may further direct that particulars of objections to the closing shall be filed with the Municipal Board and the Regional Corporation within such time as the Municipal Board shall direct.

Order of
O.M.B.

(4) Upon the hearing of the application for approval of the closing of a road, the Municipal Board may make such order as it considers proper refusing its approval or granting its approval upon such terms and conditions as it considers

proper, and any order of the Municipal Board approving of the closing of a road may contain provisions,

- (a) determining the portion or portions of the road that shall be closed;
- (b) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and
- (c) providing for the doing of such other acts as in the circumstances it considers proper.

(5) Upon the approval of the Municipal Board being so ^{Closing road} obtained but subject to the provisions of the order of the Municipal Board made on the application for such approval, the Regional Corporation may do all such acts as may be necessary to close the road in respect of which the application is made.

(6) The Regional Corporation, or any person including an ^{Appeal} area municipality, that has filed particulars of an objection may, with the leave of the Divisional Court, appeal-to that court from any order made under subsection (4).

(7) Application for leave to appeal shall be made within ^{Time for appeal} thirty days after the date of the determination or order of the Municipal Board subject to the rules of the court as to vacations.

(8) The leave may be granted on such terms as to the ^{Leave to appeal} giving of security for costs and otherwise as the court may consider just.

(9) The practice and procedure as to the appeal and ^{Practice and procedure on appeal} matters incidental thereto shall be in accordance with the rules of court, and the decision of the Divisional Court is final.

(10) Section 95 of the *Ontario Municipal Board Act* does ^{R.S.O. 1980, c. 347, s. 95, not to apply} not apply to an appeal under this section. 1973, c. 60, s. 47.

46. The Regional Council may pass by-laws prohibiting ^{Private roads, etc., opening upon regional controlled-access road} or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a regional controlled-access road. 1973, c. 60, s. 48.

47.—(1) The Regional Corporation may give notice to the ^{Notice} owner of any land requiring him to close up any private road, entranceway, structure or facility constructed or used as a means of access to a regional controlled-access road in contravention of a by-law passed under section 46.

Service
of notice

(2) Every notice given under subsection (1) shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail shall be deemed to have been received on the fifth day following the mailing thereof.

Failure
to comply
with notice

(3) Where the person to whom notice is given under subsection (1) fails to comply with the notice within thirty days after its receipt, the Regional Council may by resolution direct any officer, employee or agent of the Regional Corporation to enter upon the land of such person and do or cause to be done whatever may be necessary to close up the private road, entranceway, structure or facility as required by notice.

Offence

(4) Every person who fails to comply with a notice given under subsection (1) is guilty of an offence and on conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence.

Compensa-
tion

(5) Where a notice given under subsection (1) has been complied with, no compensation is payable to the owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a controlled-access road designated under subsection 45 (1) was constructed or used, as the case may be,

- (a) before the day on which the by-law designating the road as a controlled-access road became effective; or
- (b) in compliance with a by-law passed under section 46 in which case the making of compensation is subject to any provisions of such by-law. 1973, c. 60, s. 49.

Regional
liability
where road
forms part
of system

48.—(1) Subject to subsection (2), no area municipality shall have any right to compensation or damages for any road forming part of the regional road system.

Idem

(2) Where a road forms part of the regional road system, the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under the *Local Improvement Act* is payable as the owners' share of a local improvement work. 1973, c. 60, s. 50 (1, 2).

R.S.O. 1980,
c. 250

Default

(3) Where the Regional Corporation fails to make any payment required by subsection (2), on or before the due date, the area

municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 79.

(4) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the road forming part of the regional road system, the Municipal Board, upon application, may determine the matter and its decision is final. 1973, c. 60, s. 50 (4). Settling
of doubts

49.—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall so notify the Regional Corporation by registered mail. Stopping-up
highways

(2) If the Regional Council objects to such stopping up, it shall notify the council of the area municipality by registered mail within sixty days of the receipt of the notice required under subsection (1) and the highway or part thereof shall not be stopped up except by agreement between the area municipality and the Regional Council and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final. 1973, c. 60, s. 51. Agreement

(3) No area municipality shall open up, establish or assume for public use any highway which intersects with or enters upon any highway in the regional road system without the prior written approval of the Regional Corporation. 1973, c. 161, s. 1. Approval
required to
intersect
regional road

50. Sections 101, 103, 105, 108 and 111 of the *Public Transportation and Highway Improvement Act* apply with necessary modifications with respect to any road in the regional road system. 1973, c. 60, s. 53. Application of
R.S.O. 1980,
c. 421

PART IV

MUNICIPAL HYDRO-ELECTRIC SERVICE

51. In this Part, Interpre-
tation

- (a) “accumulated net retail equity” means the portion of the equity accumulated through debt retirement appropriations recorded for the Rural Power District relating to Ontario Hydro’s rural retail system plus the portion of the balance recorded for rural retail customers in the Stabilization of Rates and Contingencies Account, in the books of Ontario Hydro;

(b) "power" means electrical power and includes electrical energy;

(c) "regulations" means the regulations made under this Part. 1977, c. 29, s. 1, *revised*.

Commissions
continued

52.—(1) The hydro-electric commission for each of the City of Brampton, the Town of Caledon and the City of Mississauga, established by *The Peel Municipal Hydro-Electric Service Act, 1977*, is continued and each commission shall be deemed to be a commission established under Part III of the *Public Utilities Act* and a municipal commission within the meaning of the *Power Corporation Act*.

R.S.O. 1980,
cc. 423, 384

Composition

(2) The commission for the City of Brampton shall be known as the Brampton Hydro-Electric Commission and shall consist of the mayor of the City of Brampton and four additional members who are qualified electors under the *Municipal Elections Act* in the City of Brampton.

R.S.O. 1980,
c. 308

Idem

(3) The commission for the City of Mississauga shall be known as the Mississauga Hydro-Electric Commission and shall consist of the mayor of the City of Mississauga and four additional members who are qualified electors under the *Municipal Elections Act* in the City of Mississauga.

Idem

(4) The commission for the Town of Caledon shall be known as the Caledon Hydro-Electric Commission and shall consist of the mayor of the Town of Caledon and two additional members who are qualified electors under the *Municipal Elections Act* in the Town of Caledon. 1977, c. 29, s. 2 (1-4).

Additional
members of
commissions

(5) The additional members of each commission shall be elected by a general vote of the electors of the area municipality served by the commission, unless before the 1st day of July, 1978 the council of the area municipality provides by by-law that the additional members shall be appointed by the council.

Eligibility
of members
of council

(6) Members of the council of an area municipality served by a commission may be appointed as members of the commission, but the members of the council shall not form a majority of the commission.

Term of
office

(7) A member of a commission shall hold office for the same term as the members of council or until his successor is elected or appointed.

Delegates

(8) The council of an area municipality served by a commission may, by by-law passed with the written consent of the mayor, appoint a delegate from among the members of the council to represent the mayor on the commission. 1977, c. 29, s. 2 (8-11).

(9) A resignation from the council of a member of a council who is a member of a commission shall be deemed to be a resignation from both the commission and the council. 1977, c. 29, s. 2 (13). Resignation

53.—(1) Except as herein provided, all the powers, rights, authorities and privileges that are conferred by the *Public Utilities Act* on a municipal corporation with respect to power shall be exercised on behalf of the municipalities of the City of Brampton, the Town of Caledon and the City of Mississauga by the commission established in respect of that municipality and not by the council of any municipality or any other body. Powers of commissions
R.S.O. 1980,
c. 423

(2) Subject to subsection (5) and to any subsisting contracts for the supply of power to customers within the meaning of subsection 37 (1) of the *Ontario Energy Board Act*, each commission has the sole right to supply power within the area municipality in respect of which it is established, and, on behalf of the area municipality, may contract with Ontario Hydro for the transmission and supply to the commission of power to be distributed and sold within the municipality, without electoral assent or other approval or authorization and such contract shall be deemed to be an agreement within the meaning of clause 149 (2) (s) of the *Municipal Act*. Idem
R.S.O. 1980,
332

(3) Notwithstanding subsection (2), but subject to subsections (10) and (12), Ontario Hydro shall continue to supply power in those areas of the Town of Caledon which it served on the 12th day of July, 1977, and subsections (8) and (9) do not apply. Where Ontario Hydro to continue to supply power

(4) Except where inconsistent with the provisions of this Act, the provisions of the *Power Corporation Act* applicable to a municipal corporation that has entered into a contract with Ontario Hydro for the supply of power to the municipal corporation apply to each of the commissions. Application of
R.S.O. 1980,
c. 384

(5) With the consent of a commission, Ontario Hydro may supply power directly to customers within the municipality in respect of which the commission is established. Direct customers

(6) Such management and control of works for the distribution and supply of power within the municipalities of the City of Brampton and the City of Mississauga as are exercised by hydro-electric commissions, public utilities commissions and Ontario Hydro immediately before the 12th day of July 1977 remain entrusted to them to and including the 31st day of December, 1977, but any of the assets, powers and responsibilities of such commissions may Transitional

by agreement be transferred before that date to a commission referred to in section 52.

Transfer of
assets and
liabilities

(7) On the 1st day of January, 1978, all assets under the control and management of and all liabilities of hydro-electric commissions and public utilities commissions distributing and selling power in the municipality of the City of Brampton, the Town of Caledon and the City of Mississauga, to the extent that they pertain to the distribution and supply of power in the municipality, are, without compensation, assets under the control and management of and liabilities of the commission established in respect of the municipality.

Purchase
of retail
distribution
facilities
from
Ontario
Hydro

(8) Subject to subsections (3) and (5) and the regulations, each commission shall acquire, on behalf of the area municipality served by the commission, the retail distribution facilities within the municipality used by Ontario Hydro on the 31st day of December, 1977 in the retail distribution of power, including equipment leased by Ontario Hydro to retail customers within the municipality for the use of such power, and the price of the facilities shall be equal to the original cost of the facilities less the sum of the accumulated net retail equity of the customers supplied with power through the facilities and the accumulated depreciation associated with the facilities.

Where
price to be
determined
by
arbitration
R.S.O. 1980,
c. 25

(9) If the price of the facilities referred to in subsection (8) has not been determined by the parties before the 1st day of July, 1978, the price shall be determined by arbitration by a single arbitrator pursuant to the *Arbitrations Act* in accordance with subsection (8) and the regulations and the decision of the arbitrator shall not be subject to appeal.

Power of
council to
direct supply
of power by
Caledon
Hydro-
Electric
Commission

(10) The council of the Town of Caledon may by by-law direct the Caledon Hydro-Electric Commission to commence the distribution and supply of power, on a day specified by the council, in all areas of Caledon supplied with power by Ontario Hydro pursuant to subsection (3), and on the day specified, subsections (8) and (9) and section 56 apply with necessary modifications.

Review
by council

(11) Until such time as the power conferred by subsection (10) has been exercised, the council of the Town of Caledon shall review the distribution and supply of power within the Town of Caledon at least once in every three calendar years, and shall determine by resolution whether the power conferred by subsection (10) should be exercised.

When
council to
exercise
power

(12) If, in the course of a review referred to in subsection (11), the council of the Town of Caledon determines, in accord-

ance with the regulations, that it is financially feasible for the Caledon Hydro-Electric Commission to distribute and supply power in the entire Town of Caledon, the council shall exercise the power conferred by subsection (10). 1977, c. 29, s. 3.

54.—(1) All real property transferred pursuant to section 53 to the control and management of a commission or otherwise acquired by or for the commission, shall be vested in the area municipality served by the commission. ^{Vesting of real property}

(2) Where a commission is of the opinion, and so declares by resolution, that any real property under its control and management is not required for its purposes, unless otherwise agreed upon by the commission and the area municipality served by the commission, the real property may be disposed of as follows: ^{Disposition of real property}

1. In the event that the area municipality served by the commission wishes in good faith to retain the real property for a municipal purpose, it shall compensate the commission for the real property at its actual cost, less accrued depreciation as shown on the books of the commission or the assessed value of the real property, whichever is the greater and the area municipality may sell, lease or otherwise dispose of the real property without the assent of Ontario Hydro and may retain the proceeds of the sale, lease or disposition as municipal funds.

2. In the event that the area municipality served by the commission does not wish to retain the real property in accordance with paragraph 1, the area municipality shall, as soon as practicable, sell, lease or otherwise dispose of the real property at fair market value on behalf of the municipality, and the net proceeds derived from the sale, lease or other disposition of the real property or the compensation paid therefor pursuant to this subsection shall be paid over to the commission and shall be applied in accordance with the *Public Utilities Act*. 1977, ^{R.S.O. 1980, c. 423} c. 29, s. 4.

55. Except as otherwise provided in this Part, sections 92 to 116 apply, with necessary modifications, to any borrowing for the purposes of a commission. 1977, c. 29, s. 5. ^{Borrowing}

56.—(1) In this section, “transfer date”, when used in respect of an employee of a public utilities commission, hydro-electric commission or Ontario Hydro, means the date on which a com- ^{Interpretation}

mission assumes liability for the payment of the wages or salary of the employee.

Transfer of
employees

(2) On or before the 31st day of December, 1977, each hydro-electric commission and public utilities commission in the municipalities of the City of Brampton and the City of Mississauga and Ontario Hydro shall designate those of their employees who were employed in the distribution and supply of power in the municipalities on the 1st day of January, 1977, and who continued such employment until the 31st day of December, 1977 or until their transfer dates, as the case may be, and the commissions established in respect of those municipalities shall offer employment to the employees so designated.

Idem

(3) On or before the 31st day of December, 1977 the Caledon Hydro-Electric Commission shall offer employment to each employee employed in the distribution and supply of power by the Bolton Hydro-Electric Commission on the 1st day of January, 1977, who continued such employment until the 31st day of December, 1977 or until his transfer date, as the case may be. 1977, c. 29, s. 6 (1-3).

Participation
in O.M.E.R.S.

(4) Each commission shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the 12th day of July, 1977, and a person who accepts employment under this section shall be deemed to continue or to become a member of the System, as the case requires, on his transfer date, and the *Ontario Municipal Employees Retirement System Act* applies to such person as a member of the System.

R.S.O. 1980,
c. 348

Supple-
mentary
agreements

(5) Where a person who accepts employment under this section with a commission is entitled to the benefit of a supplementary agreement between a hydro-electric commission or public utilities commission operating within an area municipality and the Ontario Municipal Employees Retirement Board immediately before his transfer date, the commission shall assume, in respect of the person, all rights and obligations under the supplementary agreement as if the commission had been a party to the agreement in the place of the hydro-electric commission or public utilities commission.

Transfer of
pension
credits from
Ontario
Hydro
plan

(6) Where a person who accepts employment under this section is a contributor to The Pension and Insurance Fund of Ontario Hydro immediately before his transfer date, the present value of the pension earned by the person in The Pension and Insurance Fund of Ontario Hydro at the transfer date or the contributions of the person in the Fund with interest accumulated and credited to the person in the Fund,

whichever is the greater, shall be transferred to the Ontario Municipal Employees Retirement Fund and the person shall be given credit in the Ontario Municipal Employees Retirement System for a period of service equal to the period of service for which he was given credit in The Ontario Hydro Pension and Insurance Plan.

(7) Notwithstanding subsection (4), a person who accepts ^{Pension} employment under this section with a commission and who, ^{guarantee}

- (a) was employed by Ontario Hydro immediately before his transfer date; and
- (b) continues in the employment of the commission until he or his beneficiary becomes entitled to a pension benefit,

is entitled to at least the pension benefit to which he would have been entitled under The Ontario Hydro Pension and Insurance Plan if his years of continuous service with the commission had been additional years of continuous service with Ontario Hydro and if there had been no change in the Plan after the 31st day of December, 1977, calculated on the basis of the wage or salary paid to the person by Ontario Hydro and the commission, and the cost, if any, of the pension benefit over the cost of the pension benefit to which the person is entitled under subsection (4) shall be apportioned and paid as provided by the regulations.

(8) A person who accepts employment under this section is entitled as a term of his employment to continue as a member of the group life insurance plan in which he was a member with his former employer until the effective date of a common group life insurance plan covering all eligible employees of his new employer. ^{Group life insurance}

(9) Each commission shall provide a common group life insurance plan covering all of the eligible employees of the commission, and the plan shall provide to any person accepting employment under this section, by option or otherwise, insurance coverage not inferior to the insurance coverage to which the employee was entitled immediately before his transfer date. ^{Idem}

(10) A person who accepts employment under this section shall continue to enjoy as a term of his employment the rights and benefits of sick leave entitlements or sick leave insurance provided by his former employer immediately before the transfer date until the new employer establishes a sick leave entitlement plan or sick leave insurance plan, and ^{Sick leave}

thereupon the person shall receive allowance or credit for any accrued sick leave rights or benefits.

Life
insurance
provided to
pensioners

(11) The commissions shall continue the provision of life insurance to pensioners formerly employed in the distribution and supply of power in the area municipalities by public utilities commissions and municipal hydro-electric commissions.

Termination
for cause

(12) Nothing in this section prevents an employer from terminating the employment of an employee for cause.

Special
circum-
stances

(13) Where, under this section, an employee, in the opinion of the Minister, experiences any difficulty or hardship with regard to life insurance benefits, pension rights, pension benefits or sick leave rights or benefits, the Minister by order may do anything necessary to remedy or alleviate such difficulty or hardship. 1977, c. 29, s. 6 (5-14).

Dissolution
of existing
commissions

57. For the purposes of section 135 of *The Regional Municipality of Peel Act, 1973*, the 1st day of January, 1978 is the date determined by the Minister in respect of the area within the municipalities of the City of Brampton, the Town of Caledon and the City of Mississauga, and on that date the municipal hydro-electric commissions and public utilities commissions supplying electrical power and energy in that area are dissolved and the by-laws establishing them passed pursuant to section 37 of the *Public Utilities Act* shall be deemed to be repealed and the assent of the municipal electors is not required. 1977, c. 29, s. 7.

R.S.O. 1980,
c. 423

Regulations

58. The Lieutenant Governor in Council may make regulations,

(a) for the purposes of subsection 53 (8) in respect of,

- (i) the method of determining the original cost of the facilities or of any facility or of any part of any facility,
- (ii) the allocation of the original cost of the facilities or of any facility or of any part of any facility,
- (iii) the method of determining the amount of any component of the accumulated net retail equity,
- (iv) the allocation of the accumulated net retail equity or any component of the accumulated net retail equity,

- (v) the method of calculating accumulated depreciation or any component of accumulated depreciation,
 - (vi) the allocation of accumulated depreciation or any component of accumulated depreciation,
 - (vii) the method of payment of the price of the facilities;
- (b) for the purposes of subsection 53 (12), in respect of criteria to determine financial feasibility for the distribution and supply of power;
- (c) for the purposes of subsection 56 (7), in respect of the apportionment of the excess cost of any benefit referred to in the subsection and the payment of the excess cost or any part thereof. 1977, c. 29, s. 8.

PART V

PLANNING

59.—(1) On and after the 1st day of January, 1974, the Regional Area is defined as, and shall continue to be, a joint planning area under the *Planning Act* to be known as the Peel Planning Area. 1973, c. 60, s. 54 (1).

Planning
area

R.S.O. 1980,
c. 379

(2) The Regional Corporation is the designated municipality within the meaning of the *Planning Act* for the purposes of the Peel Planning Area and each area municipality is the designated municipality within the meaning of the *Planning Act* for the purposes of the subsidiary planning area it constitutes. 1978, c. 33, s. 73.

Designated
municipality

(3) All planning areas and subsidiary planning areas that are included in the Peel Planning Area together with the boards thereof are dissolved on the 31st day of December, 1973.

Planning
areas
dissolved

(4) Each area municipality is constituted a subsidiary planning area effective the 1st day of January, 1974, and the council thereof shall have all the powers of a planning board under the *Planning Act* and no area municipality shall establish a planning board.

Area muni-
cipalities
subsidiary
planning
areas

(5) Nothing in subsections (3) and (4) affects any official plan in effect in any part of the Regional Area.

Proviso

Effect of
official plan

(6) When the Minister of Housing has approved an official plan adopted by the Regional Council,

- (a) every official plan and every by-law passed under section 39 of the *Planning Act* or a predecessor thereof then in effect in the planning area affected thereby shall be amended forthwith to conform therewith; and
- (b) no official plan of a subsidiary planning area shall be approved that does not conform therewith. 1973, c. 60, s. 54 (3-6).

Planning
duties
of Regional
Council

60.—(1) The Regional Council shall investigate and survey the physical, social and economic conditions in relation to the development of the Peel Planning Area and may perform such other duties of a planning nature as may be referred to it by any council having jurisdiction in the Peel Planning Area, and without limiting the generality of the foregoing shall,

- (a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the Peel Planning Area;
- (b) hold public meetings and publish information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the Peel Planning Area; and
- (c) consult with any local board having jurisdiction within the Peel Planning Area.

Official
plan

(2) The Regional Council, before the 31st day of December, 1976, shall prepare, adopt and forward to the Minister of Housing for approval an official plan for the Regional Area.

Appointment
of planning
staff

(3) The Regional Council and the council of each area municipality may appoint such planning committees and staff as it considers necessary. 1973, c. 60, s. 55 (1-3).

Regional
Corporation
deemed
municipality
under
R.S.O. 1980,
c. 379

(4) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a planning board for the purposes of section 1, subsections 2 (4), (6) and (7), sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26 and 27, subsection 29 (25), sections 36, 50 and 51 of the *Planning Act* and, where the Regional Council meets in respect of matters pertaining

to planning for the purposes aforesaid, no separate meeting of the Council as a planning board is required. 1978, c. 33, s. 74.

(5) The Regional Corporation shall be deemed to be a *Idem*
county for the purposes of section 47 of the *Planning Act*. R.S.O. 1980,
c. 379

(6) The Regional Corporation may enter into agreements *Agreements*
with area municipalities or persons relating to approval of *re plans of*
plans of subdivision. *subdivision*

(7) The Regional Corporation, with the approval of the *Agreements*
Minister of Housing, may enter into agreements with any gov- *re special*
ernmental authority, or any agency thereof, created by statute for *studies*
the carrying out of studies relating to the Peel Planning Area or
any part thereof. 1973, c. 60, s. 55 (5-7).

(8) All committees of adjustment heretofore constituted *Committees*
by the council of a local municipality in the Peel Planning *of*
Area are dissolved on the 31st day of December, 1973, and the *adjustment*
council of each area municipality shall by by-law constitute and
appoint a committee of adjustment under section 48 of the *Plan-*
ning Act, but notwithstanding the provisions of such Act no such
committee shall have any authority to grant consents referred to in
section 29 of such Act.

(9) The Regional Council shall, without notice from the Minis- *Land*
ter of Housing, constitute and appoint a land division committee *division*
composed of such number of persons not fewer than three as the *committee*
Regional Council considers advisable, to grant consents referred
to in section 29 of the *Planning Act*. 1973, c. 60, s. 55 (9, 10).

61. Except as provided in this Part, the provisions of *Application*
the *Planning Act* apply to the Regional Corporation. 1973, *of*
c. 60, s. 56. R.S.O. 1980,
c. 379

PART VI

HEALTH AND WELFARE SERVICES

62.—(1) The Regional Corporation shall be deemed to be *Liability*
a city for all the purposes of the provisions of the *Public* *for hospital-*
Hospitals Act and the *Private Hospitals Act* respecting hospi- *ization of*
talization and burial of indigent persons and their dependants, *indigents*
and no area municipality has any liability under such pro- *R.S.O. 1980,*
visions. *cc. 410, 389*

Existing
liabilities
transferred

(2) The Regional Corporation is liable for the hospitalization and burial, after the 31st day of December, 1973, of an indigent person or his dependant who was in hospital on the 31st day of December, 1973, and in respect of whom any local municipality within the Regional Area was liable because the indigent person was a resident of such local municipality or the County of Peel or that part of the Town of Oakville which becomes part of the City of Mississauga on the 1st day of January, 1974.

Proviso

(3) Nothing in subsection (2) relieves any such local municipality from any liability in respect of hospitalization or burials before the 1st day of January, 1974. 1973, c. 60, s. 57.

Aid to
hospitals

63.—(1) The Regional Council may pass by-laws for granting aid for the construction, erection, establishment, acquisition, maintenance, equipping and carrying on the business of public hospitals including municipal hospitals and other health care facilities in the Regional Area and may issue debentures therefor and no area municipality shall exercise any such powers in respect of public hospitals including municipal hospitals. 1973, c. 60, s. 58 (1).

Responsibility
of Regional
Corporation

(2) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection (1), prior to the 1st day of January, 1974, and, if the Regional Corporation fails to pay such amounts before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 80.

Hospital
costs form
part of
regional levy

(3) Notwithstanding the provisions of any general or special Act, payments made under this section shall form part of the levy under section 85. 1973, c. 60, s. 58 (3).

Regional
Area to be
health unit
R.S.O. 1980,
c. 409

64.—(1) The Regional Area is continued as a health unit established under the *Public Health Act* and, subject to this Part, the provisions of such Act apply, and the board of health of the health unit shall be known as the Peel Regional Board of Health.

Dissolution
of Peel
health unit

(2) The health unit serving the County of Peel on the 31st day of December, 1973, is dissolved on the 1st day of January, 1974, and all the assets and liabilities thereof become the assets and liabilities of the Peel Regional Board of Health.

(3) Notwithstanding the provisions of any other Act, the boundaries of the health unit of the Regional Area shall not be altered except by order of the Minister of Health. 1973, c. 60, s. 59. Boundaries fixed

65.—(1) The Peel Regional Board of Health shall be composed of, Constitution of health board

(a) seven members of the Regional Council appointed by the Regional Council; and

(b) not more than three persons appointed by the Lieutenant Governor in Council upon the recommendation of the Minister of Health. 1973, c. 60, s. 60 (1).

(2) Notwithstanding the provisions of any other Act, the expenses incurred by the Peel Regional Board of Health in establishing and maintaining the health unit and performing its functions under the *Public Health Act* or any other Act shall be accounted for, borne and paid by the Regional Corporation. 1973, c. 60, s. 60 (3). Expenses of board
R.S.O. 1980,
c. 409

66.—(1) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a city and no area municipality shall be deemed to be a municipality: Regional Corporation deemed city under
R.S.O. 1980,
cc. 21, 263,
463, 527

1. *Anatomy Act*.

2. *Mental Hospitals Act*.

3. *Sanatoria for Consumptives Act*.

4. *War Veterans Burial Act*.

(2) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a county and no area municipality shall be deemed to be a municipality: Regional Corporation deemed county under
R.S.O. 1980,
cc. 111, 188,
200

1. *Day Nurseries Act*.

2. *General Welfare Assistance Act*.

3. *Homemakers and Nurses Services Act*. 1973, c. 60, s. 61.

(3) All the assets and liabilities pertaining to the functions transferred to the Regional Corporation under subsection (2) become the assets and liabilities of the Regional Corporation on the 1st day of January, 1974, and in the Assets and liabilities

event there is any dispute with respect to such transfers the matter shall be submitted to the Municipal Board whose determination shall be final and binding. 1973, c. 161, s. 3.

Liability
for homes
for aged
R.S.O. 1980,
c. 203

67.—(1) The Regional Corporation shall be deemed to be a county for the purposes of the *Homes for the Aged and Rest Homes Act*, and no area municipality has any authority as to the establishment, erection and maintenance of a home for the aged under such Act.

Peel county
homes for
aged vested
in Regional
Corporation

(2) The Peel Manor Home for the Aged and Sheridan Villa Home for the Aged and all assets and liabilities thereof together with all the real and personal property of such homes, vest in the Regional Corporation on the 1st day of January, 1974, without compensation. 1973, c. 60, s. 62.

Residents
of other
homes for
aged

68.—(1) The Regional Corporation shall pay to the committee or board of management of any home for the aged located outside the Regional Area the cost of maintenance in such home, incurred after the 31st day of December, 1973, of every resident of such home who was admitted thereto due to residence in any area that becomes part of an area municipality.

Amount of
maintenance
payment

(2) The amount payable by the Regional Corporation under subsection (1) shall be such as may be agreed upon or, failing agreement, as may be determined by the Municipal Board. 1973, c. 60, s. 63.

Area
municipality
not
municipality
under
R.S.O. 1980,
c. 66

69. No area municipality shall be deemed to be a municipality for the purposes of the *Child Welfare Act*. 1973, c. 60, s. 64, *revised*.

Liability
under order
made under
R.S.C. 1970,
c. J-3

70. Where an order is made under subsection 20 (2) of the *Juvenile Delinquents Act* (Canada) upon an area municipality, such order shall be considered to be an order upon the Regional Corporation, and the sums of money required to be paid under such order shall be paid by the Regional Corporation and not by the area municipality. 1973, c. 60, s. 66.

Information

71. Every area municipality and every officer or employee thereof shall, at the request of the officers of the Regional Corporation who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Part. 1973, c. 60, s. 67.

72. In the event that there is any doubt as to whether the Regional Corporation is liable under this Part in respect of the liabilities imposed herein, the matter may be settled by agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board. 1973, c. 60, s. 68. Adjustments

73. The Regional Corporation may grant aid to approved corporations established under the *Homes for Retarded Persons Act*, and may enter into agreements with any of such corporations with respect to the construction, operation and maintenance of homes for retarded persons. 1973, c. 60, s. 69. Grants, etc., to approved corporations under R.S.O. 1980, c. 201

PART VII

POLICE

74. In this Part, "Peel Police Board" means the Peel Regional Board of Commissioners of Police. 1973, c. 60, s. 70. Interpretation

75.—(1) The board of commissioners of police known as the Peel Regional Board of Commissioners of Police is continued and shall consist of, Peel Regional Board continued

- (a) two members of the Regional Council appointed by resolution of the Regional Council;
- (b) a judge of a county or district court designated by the Lieutenant Governor in Council;
- (c) two persons appointed by the Lieutenant Governor in Council.

(2) Three members of the Peel Police Board, including a member appointed by the Regional Council, are necessary to form a quorum. 1973, c. 60, s. 71 (1, 2). Quorum

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under the *Police Act*, to the members of the Peel Police Board appointed by the Lieutenant Governor in Council. 1978, c. 33, s. 76. Remuneration

76.—(1) On and after the 1st day of January, 1974,

- (a) the Regional Corporation shall be deemed to be a city having a population of more than 15,000 accord-

Regional Corporation deemed city under R.S.O. 1980, c. 381

ing to the last municipal census for the purposes of the *Police Act*, except subsections 8 (1) to (4) thereof;

(b) the *Police Act*, except section 70, does not apply to any area municipality; and

(c) the Peel Police Board and the members of the Peel Regional Police Force shall be charged with the same duties with respect to by-laws of the area municipalities as with respect to by-laws of the Regional Corporation. 1973, c. 60, s. 72 (1); 1978, c. 33, s. 77.

Fines

(2) The fines imposed for the contravention of the by-laws of any area municipality, shall, where prosecuted by the Peel Regional Police Force, belong to the Regional Corporation and, where prosecuted by any other person, belong to the area municipality whose by-law has been contravened. 1973, c. 60, s. 72 (2).

Area police force

77.—(1) Every person who is a member of a police force of a local municipality within the Regional Area on the 1st day of April, 1973, and continues to be a member until the 31st day of December, 1973, shall, on the 1st day of January, 1974, become a member of the Peel Regional Police Force, and the provisions of subsections 25 (4) and (10) apply to such members.

Peel Regional Police Force

(2) Every person who is a member of a police force of a local municipality on the 31st day of December, 1973, and becomes a member of the Peel Regional Police Force on the 1st day of January, 1974, is subject to the government of the Peel Police Board to the same extent as if appointed by the Peel Police Board and the Peel Regional Police Association shall be entitled to make representations to such Board in respect of by-laws and regulations for the government of the Peel Regional Police. 1973, c. 60, s. 73 (1, 2).

Terms of employment

(3) Every person who becomes a member of the Peel Regional Police Force under subsection (1) shall,

(a) be considered to have elected to participate in the Ontario Municipal Employees Retirement System if he was a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment by the Peel Police Board and such member shall have uninterrupted membership in the Ontario Municipal Employees Retirement System, and to participate in the Ontario Municipal Employees Retirement System supplementary plan as

established for the Town of Mississauga Police Force on and after the 1st day of January, 1974, in respect of service after such date;

- (b) with the exception of civilian employees and assistants, be retired on the last day of the month in which the member attains sixty years of age;
- (c) have credited to him in the Peel Regional Police Force the total number of years of service that he had in the police force of the local municipality of which he was a member immediately prior to the 1st day of January, 1974;
- (d) receive such sick leave credits and benefits in the sick leave credit plan which shall be established by the Peel Police Board as he had standing to his credit in the plan of the local municipality; and
- (e) not be transferred without his consent to a detachment farther than a distance of 24.14 kilometres from the detachment headquarters of the police force of which he was a member on the 31st day of December, 1973. 1973, c. 60, s. 73 (3); 1973, c. 161, s. 4 (1); 1978, c. 87, s. 53 (4).

(4) Notwithstanding clause (3) (a), those members of the Peel Regional Police Force who participated in a supplementary pension plan on or before the 31st day of December, 1973, shall continue to participate in such plan, and in respect of those members who did not participate in a supplementary pension plan the bargaining committee established under subsection (6), and its successor, shall be entitled to negotiate with the Peel Police Board in respect of the payment by the Board of contributions into the supplementary pension plan relating to past service of such members. 1973, c. 161, s. 4 (2).

(5) Civilian employees and assistants of the Peel Regional Police Force shall be retired on the last day of the month in which such civilian employee or assistant attains sixty-five years of age.

(6) On or before the 1st day of November, 1973, the members of the municipal police forces within the Regional Area shall appoint a joint bargaining committee to represent all such municipal police forces to bargain with the Peel Police Board in the manner and for the purposes provided in the *Police Act* and the Peel Police Board shall be the sole negotiating body to bargain with such committee. 1973, c. 60, s. 73 (4, 5).

Supplementary pension plans

Civilian employee retirement

Joint bargaining committee

R.S.O. 1980, c. 384

Application of
R.S.O. 1980,
c. 302

(7) Section 100 of the *Municipal Act* applies with necessary modifications to the Peel Police Board. 1973, c. 60, s. 73 (7).

Assumption
of buildings

78.—(1) The Regional Council shall, before the 1st day of January, 1974, pass by-laws which shall be effective on such date assuming for the use of the Peel Police Board any such land or building that the Peel Police Board may require that is vested on the 1st day of July, 1973, in any local municipality or local board thereof, and at least 40 per cent of which is used on such date for the purposes of the police force of that municipality, and on the day any such by-law becomes effective the property designated therein vests in the Regional Corporation. 1973, c. 60, s. 74 (1).

Extension
of time

(2) Notwithstanding subsection (1), a by-law assuming any land or building mentioned in subsection (1), with the approval of the Municipal Board, may be passed after the 1st day of January, 1974, and in that case the by-law shall become effective on the date provided therein.

Building
not used
exclusively
for police
force

(3) Where any part of a building mentioned in subsection (1) is used by the local municipality or a local board thereof for other than police purposes, the Regional Corporation may,

- (a) where practicable, assume only the part of the building and land appurtenant thereto used for the purposes of the police force of such municipality; or
- (b) vest the building and land appurtenant thereto in the Regional Corporation and enter into an agreement with such municipality or local board thereof for the use of a part of the building by such municipality or local board on such terms and conditions as may be agreed upon.

Regional
Corporation
liability

(4) Where the Regional Corporation assumes any property under subsection (1) or (2),

- (a) no compensation or damage shall be payable to the local municipality or local board except as provided in this subsection;
- (b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any property vested in the Regional Corporation; and
- (c) the Regional Corporation shall thereafter pay to the area municipality for the portion of any land or

building vested in the Regional Corporation under this section that is not used for police purposes on the 1st day of July, 1973, such amount as may be agreed upon and failing agreement the Municipal Board, upon application, may determine the amount, and its decision is final, provided such amount shall not be greater than the capital expenditure for such portion of such land or building less the amount of any outstanding debt in respect of such portion. 1973, c. 60, s. 74 (3-5).

(5) If the Regional Corporation fails to make any payment ^{Default} on or before the due date required by clause (4) (b), the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 81 (1).

(6) Where a building vested in a local municipality or local board is used partly by the police force of the municipality and is not vested in the Regional Corporation under this section, the area municipality at the request of the Peel Police Board on or after the 1st day of January, 1974, shall provide, at such rentals as may be agreed upon, at least as much accommodation in such building for the use of the Peel Police Board as was being provided by the local municipality for its police force on the 1st day of July, 1973, and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final. ^{Accommodation}

(7) At the request of the Peel Police Board, each area municipality, for the use of the Peel Police Board, ^{Office supplies, etc.}

(a) shall transfer to the Regional Corporation without compensation all personal property, including office supplies and stationery in the possession of the area municipality on the 1st day of January, 1974, that was provided for the exclusive use of the police force of the area municipality; and

(b) shall make available to the Regional Corporation all personal property the use of which was shared by the police force and any department or departments of the area municipality on the 1st day of January, 1974, on the same terms and to the same extent as the police force used the property before such date. 1973, c. 60, s. 74 (7, 8).

(8) All signal and communication systems owned by any local municipality and used for the purposes of the police force of the ^{Signal system transferred}

municipality on the 1st day of July, 1973, or thereafter, are vested in the Regional Corporation for the use of the Peel Police Board on the 1st day of January, 1974, and no compensation shall be payable to the municipality therefor and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system, and, if the Regional Corporation fails to make any payment on or before such due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 81 (2).

Settling
of doubts

(9) In the event of any doubt as to whether,

(a) any outstanding debt or portion thereof was incurred in respect of any property assumed; or

(b) any land or building is used at least 40 per cent for the purposes of a police force,

the Municipal Board, upon application, may determine the matter and its decision is final. 1973, c. 60, s. 74 (10).

Property
to be
provided

79. The Regional Corporation shall provide all real and personal property necessary for the purposes of the Peel Police Board. 1973, c. 60, s. 75.

PART VIII

REGIONAL WATERWORKS SYSTEM

Supply and
distribution
of water by
Regional
Corporation

80.—(1) On and after the 1st day of January, 1975, the Regional Corporation shall have the sole responsibility for the supply and distribution of water in the Regional Area, including the establishment, construction, maintenance, operation, improvement and the extension of waterworks systems and the financing thereof and all the provisions of any general Act relating to such supply and distribution of water and the financing thereof by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to such supply and distribution of water and the financing thereof by an area municipality or a local board thereof, apply with necessary modifications to the Regional Corporation, except the power to establish a public utilities commission.

Method of
financing

(2) The Regional Corporation may finance the whole or any part of the cost and debt charges of such supply and distribution of water by establishing one or more urban ser-

vice areas with the approval of the Municipal Board and raising the moneys required by imposing a rate or rates in such area or areas or may raise the moneys required by any other method or methods authorized by law or by any combination thereof.

(3) If the Regional Corporation proceeds under the *Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the Regional Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the Regional Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the Regional Corporation.

Preparation of special assessment rolls and collection of special assessments

(4) Where the Regional Corporation does not proceed under the *Local Improvement Act* or under section 218 of the *Municipal Act*, the Regional Corporation may require any area municipality to collect the sums required for financing such supply and distribution of water either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality and such special rate does not require the approval of the Municipal Board.

Regional Corporation may require area municipality to collect moneys
R.S.O. 1980, cc. 250, 302

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to such supply and distribution of water without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

Approval of O.M.B. to undertaking, etc.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection (5) and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

Powers of O.M.B.

Area municipalities,
no power to
supply and
distribute
water

(7) Subject to subsection (13), on or after the 1st day of January, 1975, no area municipality shall have or exercise any powers under any Act for such supply and distribution of water, or the financing thereof.

Vesting of
property in
Regional
Corporation

(8) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely for the purpose of the supply and distribution of water and all other assets, liabilities and surpluses or deficits, including reserves, of the local municipalities relating to any facility for such supply and distribution of water in the Regional Area or for any area municipality is vested in the Regional Corporation effective the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Payments
of principal
and interest
to area municipalities

(9) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under subsection (8), but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under the *Local Improvement Act* is payable as the owners' share of a local improvement work. 1974, c. 117, s. 36, *part*.

R.S.O. 1980,
c. 250

Default

(10) If the Regional Corporation fails to make any payment as required by subsection (9), the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 82.

Agreements

(11) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting such supply and distribution of water, the Regional Corporation shall, on and after the 1st day of January, 1974, stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Idem

(12) The Regional Corporation may enter into agreements with the corporation of any adjoining municipality, including a regional, district or metropolitan municipality, with respect to the matters provided for in this Part.

(13) The Regional Corporation may enter into an agree-^{Idem}ment with any area municipality or local board thereof regarding the recovery of the cost of the supply and distribution of water.

(14) The clerk of an area municipality shall, on notice to him by the treasurer of the Regional Corporation of an amount due in respect of the supply of water and by whom it is due and the lands on which a lien is claimed, enter the amount due upon the collector's roll of the area municipality and subsections 30 (2), (3) and (4) of the *Public Utilities Act* apply and the moneys collected shall be forwarded to the treasurer of the Regional Corporation.

^{Entry by clerk on collector's roll}
^{R.S.O. 1980, c. 423}

(15) All urban service areas as they exist on the 31st day of December, 1974, pertaining to the purposes of this Part, in an area municipality continue until such time as the Regional Council otherwise determines. 1974, c. 117, s. 36, *part*.

^{Existing urban service areas}

PART IX

REGIONAL SEWAGE WORKS

81.—(1) On and after the 1st day of January, 1975, the Regional Corporation shall, except as provided in subsection (12), have the sole responsibility for the collection and disposal of all sewage in the Regional Area, including the establishment, construction, maintenance, operation and financing thereof, and all the provisions of any general Act relating to such collection and disposal of such sewage and the financing thereof by a municipal corporation or a local board thereof and all the provisions of any special Act relating to such collection and disposal of such sewage and the financing thereof by an area municipality or a local board thereof apply with necessary modifications to the Regional Corporation, except the power to establish a public utilities commission. 1974, c. 117, s. 36, *part*.

^{Regional Corporation responsibility for collection and disposal of sewage}

(2) The Regional Corporation may finance the whole or any part of the cost, including the establishment, construction, maintenance, operation and debt charges, of collection and disposal of sewage,

^{Method of financing}

(a) by imposing a surcharge on the water rate, which does not require the approval of the Municipal Board, and such surcharge shall be collectable in the same manner as water rates and shall be deemed to be a user charge and no property shall be exempt from such charge by reason only that it is exempt from taxation under section 3 of the *Assessment Act*;

^{R.S.O. 1980, c. 31}

- (b) by establishing one or more urban service areas with the approval of the Municipal Board and imposing a rate or rates in such area or areas; or
- (c) by any method or methods authorized by law or by any combination thereof. 1974, c. 117, s. 36, *part*; 1976, c. 70, s. 32.

Preparation of special assessment rolls and collection of special assessments

(3) If the Regional Corporation proceeds under the *Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the Regional Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the Regional Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the Regional Corporation.

Regional Corporation may require area municipality to collect moneys required

R.S.O. 1980, cc. 250, 302

(4) Where the Regional Corporation does not proceed by imposing a surcharge on the water rate, or under the *Local Improvement Act*, or under section 218 of the *Municipal Act*, the Regional Corporation may require any area municipality to collect the sums required for financing the collection and disposal of sewage either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality and such special rate does not require the approval of the Municipal Board.

Approval of O.M.B. to undertaking, etc.

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to the collection and disposal of sewage without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

Powers of O.M.B.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection (5) and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

No area municipality to collect and dispose of sewage

(7) Subject to subsection (15), on and after the 1st day of January, 1975, no area municipality shall have or exercise

any powers under any Act for the collection and disposal of sewage, or the financing thereof, except as provided in subsection (12).

(8) All sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage, including all assets and liabilities, surpluses, reserves and deficits of an area municipality relating thereto, except as provided in subsection (12), and all real and personal property of any nature whatsoever used solely for the purpose of the collection and disposal of such sewage in the Regional Area by any area municipality are vested in the Regional Corporation on the 1st day of January, 1974, and no compensation or damages shall be payable to any area municipality in respect thereof.

Vesting of
property in
Regional
Corporation

(9) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under subsection (8), but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under the *Local Improvement Act*, is payable as the owners' share of the local improvement work. 1974, c. 117, s. 36, *part*.

Regional
Corporation
liability

R.S.O. 1980,
c. 250

(10) If the Regional Corporation fails to make any payment as required by subsection (9), the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 83.

Default

(11) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting the interception, collecting, settling, treating, dispersing, disposing or discharging of sewage, except as provided for in subsection (12), the Regional Corporation shall stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Agreements

(12) Subject to subsection (13), each area municipality is responsible for land drainage, including storm, surface, overflow, subsurface, or seepage waters or other drainage from land, within the municipality and including the drainage of any road in the municipality that does not form part of the regional road system.

Area
municipality
responsi-
bility for
storm
drainage

Regional
Corporation
may under-
take land
drainage
program

(13) The Regional Corporation may undertake such land drainage, including the assumption of any work or works of an area municipality pertaining thereto, in the whole or any part or parts of the Regional Area, and where the Regional Corporation does so the provisions of this Part apply, with necessary modifications, to the establishment, construction, maintenance, operation and financing thereof.

Agreements

(14) The Regional Corporation may enter into agreements with the corporation of any adjoining municipality, including a regional, district or metropolitan municipality with respect to the matters provided for in this Part.

Idem

(15) The Regional Corporation may enter into an agreement with any area municipality or local board thereof regarding the recovery of costs of the collection and disposal of sewage.

Existing
urban service
areas

(16) All urban service areas as they exist on the 31st day of December, 1974, pertaining to the purposes of this Part, in an area municipality continue until such time as the Regional Council otherwise determines. 1974, c. 117, s. 36, *part*.

PART X

FINANCES

Interpre-
tation
R.S.O. 1980,
c. 31

82. In this Part, "rateable property" includes business and other assessment made under the *Assessment Act*. 1973, c. 60, s. 78 (1).

Investment of
moneys not
immediately
required
R.S.O. 1980,
c. 302

83.—(1) Section 169 of the *Municipal Act* applies with necessary modifications to the Regional Corporation. 1973, c. 60, s. 79.

Deemed
municipality
for purposes of
R.S.O. 1980,
c. 102

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of section 35 of the *Credit Unions and Caisses Populaires Act*. 1979, c. 81, s. 84.

YEARLY ESTIMATES AND LEVIES

Yearly
estimates

84.—(1) The Regional Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the Regional Corporation, including the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Ministry may from time to time prescribe.

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and amount as the Ministry may approve.

Allowance
to be made
in estimates

(3) Section 33 of the *Assessment Act* and section 465 of the *Municipal Act* apply with necessary modifications to the Regional Corporation.

Application
of
R.S.O. 1980,
cc. 31, 302

85.—(1) The Regional Council in each year shall levy against the area municipalities a sum sufficient,

Levy on
area muni-
cipalities

(a) for payment of the estimated current annual expenditures as adopted; and

(b) for payment of all debts of the Regional Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the Regional Corporation is liable under this Act.

(2) The Regional Council shall ascertain and by by-law direct what portion of the sum mentioned in subsection (1) shall be levied against and in each area municipality.

Apportion-
ment

(3) Subject to subsection (9), all amounts levied under subsection (1) shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the Regional Area, according to the last revised assessment rolls.

Idem

(4) The Ministry of Revenue shall revise and weight the last revised assessment rolls of the area municipalities and, for the purpose of subsection (3), the last revised assessment rolls for the area municipalities as so revised and weighted by the Ministry of Revenue shall be deemed to be the last revised assessment rolls of the area municipalities.

Assessment

(5) Upon completion by the Ministry of Revenue of the revision and weighting of assessment, the Ministry of Revenue shall notify the Regional Corporation and each of the area municipalities of the revised and weighted assessment of each area municipality.

Copy to
Regional
Corporation
and area
municipality

(6) If any area municipality is not satisfied with the assessment as revised and weighted by the Ministry of Revenue,

Appeal

the area municipality may appeal from the decision of the Ministry of Revenue by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised and weighted assessment was sent to the area municipality by the Ministry of Revenue.

Idem

(7) Every notice of revision and weighting made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision and weighting.

Amendment
of by-law
where
necessary
following
appeal

(8) Where the last revised assessment of the area municipality has been revised and weighted by the Ministry of Revenue and has been appealed, the Regional Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection (2) so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and,

- (a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the treasurer of the Regional Corporation; and
- (b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the treasurer of the Regional Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the treasurer of the Regional Corporation shall pay the amount of the decrease to the treasurer of the area municipality.

Fixed
assessments,
etc., not
to apply

(9) The apportionment of the levy among the area municipalities as provided for in subsections (2) and (3) shall be based on the full value of all rateable property, and, notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 22 of the *Assessment Act*, or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of the *Assessment Act*. 1973, c. 60, s. 81 (1-9).

R.S.O. 1980,
c. 31

Assessment
to include
valuations
on properties
for which
payments in
lieu of taxes
paid

(10) The assessment upon which the levy shall be apportioned among the area municipalities shall include the valuations of all properties for which payments in lieu of taxes which include a payment in respect of regional levies are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof

or Ontario Hydro or under subsection 137 (6) to any area municipality and the amount by which the assessment of an area municipality shall be deemed to be increased by virtue of payments under sections 160 and 161 of the *Municipal Act* and section 4 of the *Provincial Parks Municipal Tax Assistance Act*, and subsection 8 (1) of the *Ontario Unconditional Grants Act*. 1973, c. 60, s. 81 (10); 1973, c. 57, s. 19.

R.S.O. 1980,
cc. 302, 402,
359

(11) Within fourteen days of a request by the Ministry of Revenue, the clerk of an area municipality shall transmit to the said Ministry a statement of the payments referred to in subsection (10) and the said Ministry shall revise and weight the valuations of these payments and shall notify the Regional Corporation and the appropriate area municipality of such valuations.

Valuation
of properties

(12) One by-law or several by-laws for making the levies may be passed as the Regional Council may consider expedient.

Levy
by-laws

(13) Subject to subsections 36 (4), (5) and (6) of the *Assessment Act*, in each area municipality the regional levy shall be calculated and levied upon the whole rateable property rateable for such purpose within such area municipality according to the last revised assessment roll thereof.

Regional
levy

(14) All moneys levied against an area municipality under the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the Regional Corporation and the treasurer of every area municipality shall pay the moneys so levied to the treasurer of the Regional Corporation at the times and in the amounts specified by the by-law of the Regional Council mentioned in subsection (2). 1973, c. 60, s. 81 (11-14).

Payment

(15) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 15 per cent per annum, or such lower rate as the Regional Council determines, from the date payment is due until it is made. 1979, c. 81, s. 85.

Default

86.—(1) The Ministry of Revenue shall revise and weight each part of the last revised assessment roll of the area municipalities that relates to a merged area and each such part of the last revised assessment roll of each of the area municipalities as revised and weighted is final and binding.

Assessment
of merged
areas

(2) Upon completion by the Ministry of Revenue of the revision and weighting of assessment in an area municipality

Notice

under subsection (1), the Ministry of Revenue shall notify the area municipality of the revised and weighted assessment.

Apportion-
ment among
merged areas
R.S.O. 1980,
c. 302, 31

(3) The net regional levy and the sums adopted in accordance with section 164 of the *Municipal Act* for all purposes, excluding school purposes, levied against the whole rateable property of an area municipality shall be apportioned among the merged areas of such area municipality in the proportion that the total weighted assessment of each merged area bears to the total weighted assessment of the area municipality both according to the last revised assessment roll as weighted by the Ministry of Revenue under subsection (1), and subsection (26) 9 of the *Assessment Act* shall not apply to any apportionment by an area municipality under this subsection. 1973, c. 60, s. 82 (1-3).

Levy by
Regional
Council
before
estimates
adopted

87.—(1) Notwithstanding section 85, the Regional Council may, before the adoption of estimates for the year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the Regional Council in the preceding year against that area municipality and subsections 85 (14) and (15) apply to such levy.

Levy under
s. 85 to be
reduced

(2) The amount of any levy made under subsection (1) shall be deducted from the amount of the levy made under section 85.

Levy by
area
municipality
before
estimates
adopted

(3) Notwithstanding section 86, the council of an area municipality may in any year before the adoption of the estimates for that year levy in each of the merged areas in the area municipality, on the whole of the assessment for real property including business assessment in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters.

Levy under
s. 86 to be
reduced

(4) The amount of any levy under subsection (3) shall be deducted from the amount of the levy made under section 86.

Application of
R.S.O. 1980,
c. 302

(5) Subsection 159 (5) of the *Municipal Act* applies to levies made under this section. 1973, c. 60, s. 83 (2-6).

Rates under
R.S.O. 1980,
c. 129, Pt. IV

88.—(1) For the purposes of levying taxes under Part IV of the *Education Act*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the area municipality shall be deemed to be the council of each such merged area.

Rates for
public
school
purposes on
commercial
assessment

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial

assessment determined as a result of the application of section 222 of the *Education Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality.

R.S.O. 1980,
c. 129

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 222 of the *Education Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality.

Rates for
public
school
purposes on
residential
assessment

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 222 of the *Education Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the area municipality.

Rates for
secondary
school
purposes on
commercial
assessment

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 222 of the *Education Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality.

Rates for
secondary
school
purposes on
residential
assessment

(6) Notwithstanding subsections (2), (3), (4) and (5), where, in any year, a regulation is in force under section 214 of the *Education Act*, the apportionments referred to in the said subsections (2), (3), (4) and (5) shall be made in accordance with such regulation. 1973, c. 60, s. 84.

Regulations
under R.S.O.
1980, c. 129
to apply

ADJUSTMENTS

89. The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section. 1973, c. 60, s. 85.

Transitional
adjustments

RESERVE FUNDS

Reserve funds
of muni-
cipalities

90.—(1) Reserve funds established by local municipalities for purposes for which the Regional Council has authority to spend funds and for which the council of an area municipality has no authority to spend funds are reserve funds of the Regional Corporation and the assets of such reserve funds are vested in the Regional Corporation.

Idem

(2) Reserve funds established by local municipalities, other than divided municipalities, for purposes for which the councils of area municipalities have authority to spend funds and for which the Regional Council has no authority to spend funds are reserve funds of the area municipality of which the local municipality forms a part and the assets of such reserve funds are vested in such area municipality. 1973, c. 60, s. 89.

Reserve
funds,
establish-
ment

91.—(1) The Regional Council may in each year provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds. 1976, c. 70, s. 33 (1).

Invest-
ments
and income

R.S.O. 1980,
c. 512

The moneys raised for a reserve fund established under subsection (1) shall be paid into a special account and may be invested in such securities as a trustee may invest in under the *Trustee Act*, and the earnings derived from the investment of such moneys from part of the reserve fund. 1973, c. 60, s. 90 (2).

Expenditure
of reserve
fund
moneys

(3) The moneys raised for a reserve fund established under subsection (1) shall not be expended, pledged or applied to any purpose other than that for which the fund was established, unless approved by the Regional Council. 1976, c. 70, s. 33 (2).

Auditor to
report
on reserve
funds

(4) The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection (1). 1973, c. 60, s. 90 (4).

TEMPORARY LOANS

Current
borrowings

92.—(1) The Regional Council may by by-law, either before or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize the chairman and treasurer to borrow from time to time by way of promissory note such sums as the Regional Council considers necessary to meet, until the levies and other revenues are received, the current expenditures of the Regional Corporation for the year, including the amounts required for

principal and interest falling due within the year upon any debt of the Regional Corporation and the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation.

(2) The amount that may be borrowed at any one time for the purposes mentioned in subsection (1), together with any similar borrowings that have not been repaid, shall not, except with the approval of the Municipal Board, exceed 70 per cent of the uncollected balance of the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the year. Limit upon borrowings

(3) Until such estimates are adopted, the limitation upon borrowing prescribed by subsection (2) shall temporarily be calculated upon the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the next preceding year. Temporary application of estimates of preceding year

(4) The lender is not bound to establish the necessity of borrowing the sum lent or to see to its application. Protection of lender

(5) Any promissory note made under the authority of this section shall be sealed with the seal of the Regional Corporation and signed by the chairman or by some other person authorized by by-law to sign it, and by the treasurer, and may be expressed so as to bear interest only upon such money as may be borrowed thereon from the time when such money is actually lent. Execution of promissory notes

(6) The signature of the chairman or any other person authorized to sign promissory notes may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced. Idem

(7) The Regional Council may by by-law provide or authorize the chairman and treasurer to provide by agreement that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, be a charge upon the whole or any part or parts of the revenues of the Regional Corporation for the current year and for any preceding years as and when such revenues are received, provided that such charge does not defeat or affect and is subject to any prior charge then subsisting in favour of any other lender. Creation of charge

Execution of
agreements

(8) Any agreement entered into under subsection (7) shall be sealed with the corporate seal and signed by the chairman and treasurer.

Penalty
for excess
borrowings

(9) If the Regional Council authorizes the borrowing of or borrows any larger amount than is permitted under this section, every member who knowingly votes therefor is disqualified from holding any municipal office for two years.

Penalty
for mis-
application
of revenues
by Regional
Council

(10) If the Regional Council authorizes the application of any revenues of the Regional Corporation charged under the authority of this section otherwise than in repayment of the loan secured by such charge, the members who knowingly vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Penalty
for mis-
application
of revenues
by officials

(11) If any member of the Regional Council or officer of the Regional Corporation knowingly applies any revenues so charged otherwise than in repayment of the loan secured by such charge, he is personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Saving
as to
penalties

(12) Subsections (9), (10) and (11) do not apply to the Regional Council or any member of the Regional Council or officer of the Regional Corporation acting under an order or direction issued or made under the authority of the *Municipal Affairs Act*, nor do they apply in any case where application of the revenues of the Regional Corporation is made with the consent of the lender in whose favour a charge exists. 1977, c. 34, s. 29.

R.S.O. 1980,
c. 303

Temporary
borrowing
R.S.O. 1980,
c. 361

93.—(1) Where the Regional Corporation has entered into an agreement under the *Ontario Water Resources Act* whereby the Regional Corporation is entitled to receive moneys from the Crown, the Regional Council, pending the receipt of such moneys may, in order to meet expenditures incurred in carrying out the agreement, agree with a bank or a person for temporary advances from time to time.

Application
of proceeds

(2) The proceeds of every advance under this section shall be applied to the expenditures incurred in carrying out the agreement made by the Regional Corporation under the *Ontario Water Resources Act*, but the lender shall not be bound to see to the application of the proceeds and, when the Regional Corporation has received the moneys to which it is entitled from the Crown under the said agreement such moneys shall be applied first in repayment of the advances. 1976, c. 43, s. 65.

DEBT

94.—(1) Subject to the limitations and restrictions in this ^{Debt} Act and the *Ontario Municipal Board Act*, the Regional ^{R.S.O. 1980,} Council may borrow money for the purposes of, ^{c. 347}

- (a) the Regional Corporation;
- (b) any area municipality;
- (c) the joint purposes of any two or more area municipalities,

whether under this or any general or special Act, and may issue debentures therefor on the credit of the Regional Corporation.

(2) All debentures issued pursuant to a by-law passed by ^{Liability} the Regional Council under the authority of this Act are direct, joint and several obligations of the Regional Corporation and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities, but nothing in this subsection affects the rights of the Regional Corporation and of the area municipalities respectively as among themselves.

(3) Notwithstanding any general or special Act, no area ^{Limitation} municipality has, after the 31st day of December, 1973, power to issue debentures.

(4) When an area municipality, on or before the 31st day ^{Uncompleted} of December, 1973, ^{works}

- (a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 64 (1) of the *Ontario Municipal Board Act*; and
- (b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

the Regional Council, upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the Regional Corporation for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 97 and no further approval of the Municipal Board is required.

Bonds,
debentures,
etc., trustee
investments
R.S.O. 1980,
c. 512

(5) Bonds, debentures and other evidences of indebtedness of the Regional Corporation shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of the *Trustee Act*. 1973, c. 60, s. 92.

Power to
incur debt
or issue
debentures
R.S.O. 1980,
c. 347

95. Subject to the limitations and restrictions of this Act and the *Ontario Municipal Board Act*, the Regional Corporation may by by-law incur a debt or issue debentures for the purposes set forth in subsection 94 (1) and, notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the Regional Area. 1973, c. 60, s. 93.

Idem

96.—(1) Where, under any general or special Act, an area municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the Regional Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence to the passing of the by-law by the Regional Council has been obtained.

Proviso

(2) Nothing in subsection (1) requires the assent of any electors where such assent has been dispensed with under section 63 of the *Ontario Municipal Board Act*. 1973, c. 60, s. 94.

Borrowing
pending
issue and
sale of
debentures

97.—(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time for the purpose authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

Idem

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of the area municipality, pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of

such advance or loan to the area municipality. 1977, c. 34, s. 30 (1).

(3) The Regional Corporation may charge interest on any proceeds of an advance or loan transferred under subsection (2) at a rate sufficient to reimburse it for the cost of such advance or loan. Interest on proceeds transferred

(4) The proceeds of every advance or loan under this section shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to see to the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality, the balance, subject to section 110, shall be transferred to the area municipality. Application of proceeds of loan

(5) Subject to subsection (4), the redemption of a debenture hypothecated does not prevent the subsequent sale thereof. 1973, c. 60, s. 95 (3-5). Hypothecation not to prevent subsequent sale of debentures

(6) The signature of the chairman or any other person authorized to sign loan agreements may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on loan agreements made under this section and, if such loan agreement is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced. 1977, c. 34, s. 30 (2). Signature of chairman, etc., may be mechanically reproduced

98.—(1) Subject to subsection (2), a money by-law for the issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest. Principal and interest payments

(2) A money by-law for the issuing of debentures may provide that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case debentures issued under the by-law shall be known as sinking fund debentures. Sinking fund debentures

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve. When debentures to be payable

(4) The by-law may provide for raising in each year, by special levy or levies against one or more area municipalities, Special levy against area municipalities

the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each area municipality shall pay to the Regional Corporation such sums at the times and in the amounts specified in the by-law.

General
levy

(5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law.

Levy by
area muni-
cipalities

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection (4) may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection (4).

Instalment
debentures
and
debentures
to refund
existing
debentures
at maturity

(7) Notwithstanding subsection (5), the Regional Council may by by-law,

- (a) authorize the borrowing of money by the issue of instalment debentures, the last instalment of which shall mature not earlier than ten years after the date upon which they are issued, and a specified sum of principal payable thereunder in the final year shall be raised by the issue of refunding debentures as provided in clause (b), and it shall not be necessary to raise by special rate in the year of maturity of the debentures to be refunded an amount equal to the specified principal amount of the debentures which are being refunded; and
- (b) authorize the issue of debentures to refund at maturity outstanding debentures of the municipality, provided that the refunding debentures shall be payable within the maximum period of years that was approved by the order of the Municipal Board for the repayment of debentures issued for the debt for which the outstanding debentures were issued, commencing on the date of the debentures originally issued for such debt,

and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a special levy or levies against such area municipality or

municipalities as may be specified in the by-law and such levy shall be levied against the same area municipality or municipalities in each case.

(8) Any special levy against an area municipality imposed by the by-law under the authority of subsection (7) may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection (7), and any levy imposed by a by-law under clause (7) (b) shall be levied by the area municipality against the same persons or property as the levy imposed by the related by-law under clause (7) (a) was levied. ^{Levy}

(9) All levies imposed by the by-law against an area municipality are a debt of the area municipality to the Regional Corporation. ^{Levies a debt}

(10) The Regional Council may by by-law authorize a change in the mode of issue of the debentures and may provide that the debentures be issued with coupons instead of in amounts of combined principal and interest or *vice versa*, and where any debentures issued under the by-law have been sold, pledged or hypothecated by the Regional Council upon again acquiring them or at the request of any holder of them, may cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year. 1973, c. 60, s. 96 (1-10). ^{By-law to change mode of issuing debentures}

(11) All the debentures shall be issued within two years after the passing of the by-laws unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the Regional Council it would not be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law. 1973, c. 60, s. 96 (11); 1976, c. 43, s. 66 (1). ^{Debentures, when to be dated and issued}

(12) All the debentures shall bear the same date, except where they are issued in sets, in which case every debenture of the same set shall bear the same date. ^{Date of debentures}

Idem

(13) Notwithstanding the provisions of the by-law, the debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection (11) and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.

Extension
of time
for issue

(14) The Municipal Board, on the application of the Regional Council, the council of any area municipality or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

Application
after time
expired

(15) The extension may be made although the application is not made until after the expiration of the two years or of the time provided for the issue of the set.

Effective
date

(16) Unless the by-law names a later day when it is to take effect, it takes effect on the day of its passing.

Con-
solidation

(17) Notwithstanding any general or special Act, the Regional Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor.

Con-
solidating
debenture
by-laws
R.S.O. 1980,
c. 302

(18) Section 145 of the *Municipal Act* applies with necessary modifications to the Regional Corporation.

Redemption
before
maturity

(19) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the Regional Corporation on any date prior to maturity, subject to the following provisions:

1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and the amount at which such debenture may be so redeemed.
2. The principal of every debenture that is so redeemable becomes due and payable on the date set for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of principal thereof, the interest to the date set for redemption and any premium payable on redemption.
3. Notice of intention so to redeem shall be sent by prepaid mail at least thirty days prior to the date

set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.

4. At least thirty days prior to the date set for such redemption, notice of intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the Regional Area and in such other manner as the by-law may provide.
5. Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debentures issued under the by-law shall be called for such redemption in priority to any debentures that have a later maturity date.
6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council in respect of the debenture so redeemed.

(20) The by-law may provide that the debentures to be issued thereunder shall be expressed and be payable, ^{Currency}

- (a) in lawful money of Canada and payable in Canada; or
- (b) in lawful money of the United States of America and payable in the United States of America; or
- (c) in lawful money of Great Britain and payable in Great Britain; or
- (d) subject to the prior approval of the Lieutenant Governor in Council, in a currency other than that of Canada, the United States of America or Great Britain.

(21) Where under the provisions of the by-law debentures issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, or in any currency other than that of Canada, the Regional ^{Annual rates}

Council may in such by-law or in any amending by-law in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in such year, provide that there shall be raised such yearly amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary.

Principal
levies

(22) When sinking fund debentures are issued, the amount of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding 5 per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due.

Con-
solidated
bank
accounts

(23) When sinking fund debentures are issued, the sinking fund committee shall keep one or more consolidated bank accounts in which,

- (a) the treasurer of the Regional Corporation shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and
- (b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments.

Sinking
fund
committee

(24) When sinking fund debentures are issued there shall be a sinking fund committee that shall be composed of the treasurer of the Regional Corporation and two members appointed by the Regional Council, and the two appointed members may be paid, out of the current fund of the Regional Corporation, such annual remuneration as the Regional Council determines. 1973, c. 60, s. 96 (12-24).

Alternate
members

(25) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member and any such alternate member may be paid, out of the current fund of the Regional Corporation, such remuneration as the Regional Council determines. 1976, c. 70, s. 34.

Chairman

(26) The treasurer of the Regional Corporation shall be the chairman and treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer.

Security

(27) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands,

in such amount as the auditor of the Regional Corporation shall determine, and in other respects the provisions of section 94 of the *Municipal Act* apply with respect to such security. R.S.O. 1980,
c. 302

(28) Two members of the sinking fund committee are a Quorum quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee.

(29) All assets of the sinking funds, including all consolidated bank accounts, shall be under the sole control and management of the sinking fund committee. Control of
sinking
fund assets

(30) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all cheques on the consolidated bank accounts shall be signed by the chairman or acting chairman and one other member of the sinking fund committee. With-
drawals
from bank
accounts

(31) The sinking fund committee shall invest any moneys on deposit from time to time in the consolidated bank accounts and may at any time or times vary any investments. 1973, c. 60, s. 96 (26-31). Invest-
ments

(32) The moneys in the consolidated bank accounts shall be invested in one or more of the following forms, Idem

(a) in securities in which a trustee may invest under the *Trustee Act*;

R.S.O. 1980,
c. 512

(b) in debentures of the Regional Corporation;

(c) in temporary advances to the Regional Corporation pending the issue and sale of any debentures of the Regional Corporation;

(d) in temporary loans to the Regional Corporation for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made;

(e) in securities issued or unconditionally guaranteed as to principal and interest by the United States of America;

(f) in such other securities as are authorized by the Lieutenant Governor in Council. 1973, c. 60, s. 96 (32); 1976, c. 43, s. 66 (2).

Deposit of
securities
with
Treasurer
of Ontario

(33) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be deposited with the Treasurer of Ontario.

Release of
securities
by Treasurer
of Ontario

(34) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under subsection (33) only upon the direction in writing of the sinking fund committee.

Sinking
fund
accounts

(35) All sinking fund debentures issued on the same date, payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws, shall be deemed one debt and be represented by one sinking fund account.

Earnings
credited
to sinking
fund
accounts

(36) That portion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments obtained by,

(a) multiplying the amount of all such earnings by the amount of the capitalized interest for that year under subsection (22) with respect to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account; and

(b) dividing the product obtained under clause (a) by the amount of all capitalized interest for that year under subsection (22) with respect to all principal raised up to and including such year for all outstanding sinking fund debentures;

shall be credited to the sinking fund account mentioned in clause (a).

Sinking
fund
require-
ments

(37) The treasurer of the Regional Corporation shall prepare and lay before the Regional Council in each year, before the annual regional levies are made, a statement showing the sums that the Regional Council will be required, by by-law, to raise for sinking funds in that year.

Offence

(38) If the treasurer of the Regional Corporation contravenes subsection (23) or (37), he is guilty of an offence and on conviction is liable to a fine of not more than \$250.

Failure to
levy

(39) If the Regional Council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the Regional Council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount.

(40) Notwithstanding this or any other Act or by-law, if it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the estimated earnings to be credited thereto under subsection (36) together with the levy required to be made by the by-law or by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of the debt represented by such sinking fund account when it matures, the Municipal Board, on the application of the sinking fund committee, the Regional Council or the council of an area municipality, may authorize the Regional Council or the council of an area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board.

(41) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the Regional Corporation or otherwise than is provided in this section.

(42) When there is a surplus in a sinking fund account, the sinking fund committee shall,

- (a) use the surplus to increase the amount at the credit of another sinking fund account; or
- (b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes,
 - (i) to retire unmatured debentures of the Regional Corporation or of an area municipality,
 - (ii) to reduce the next annual levy on account of principal and interest payable with respect to debentures of the Regional Corporation or of an area municipality,
 - (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause (a) or (b) for the purposes of the Regional Corporation or an area municipality in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

Deficit
and
surplus

(43) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities, any deficit in the sinking fund account shall be provided by the Regional Corporation out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection (42).

Term
debentures

(44) A money by-law may authorize the issue of debentures of which a portion shall be payable on a fixed date with interest payable annually or semi-annually, in which case such debentures shall be known as term debentures.

Amounts to
be raised
annually

(45) In respect of the term debentures, the by-law shall provide for raising,

(a) in each year of the currency of the term debentures a sum sufficient to pay the interest on the term debentures; and

(b) in each year of the currency of the term debentures in which no other debentures issued under the same by-law become due and payable, a specific amount to form a retirement fund for the term debentures which, with interest at a rate not to exceed 5 per cent per annum compounded yearly, will be sufficient to pay the principal of the term debentures at maturity. 1973, c. 60, s. 96 (33-45).

Retirement
fund

(46) The retirement fund for the term debentures shall be administered by the sinking fund committee in all respects in the same manner as a sinking fund established under this section, and the provisions of subsections (23) to (43) of this section with respect to a sinking fund shall apply with necessary modifications to such retirement fund. 1973, c. 60, s. 96 (46); 1976, c. 43, s. 66 (3).

All
debentures
rank equally

(47) Notwithstanding the provisions of any general or special Act or any differences in date of issue or maturity, every debenture issued shall rank concurrently and *pari passu* in respect of payment of principal and interest thereon with all other debentures of the Regional Corporation except as to the availability of any sinking funds applicable to any particular issue of debentures. 1976, c. 43, s. 66 (4).

Debentures
payable
on a fixed
date subject
to the annual
redemption
by lot of a
specified
principal
amount

99. Notwithstanding any other provision of this Act,

(a) a money by-law of the Regional Council may provide that all or a portion of the debentures to be issued thereunder shall be payable on a fixed date, subject to the obligation of the Regional Corporation to

- redeem by lot annually on each anniversary of the date of such debentures a specified principal amount of such debentures upon payment by the Regional Corporation of such principal amount plus accrued interest to the date of redemption and upon giving notice as provided in this section;
- (b) the principal amount of every debenture that is called for redemption shall become due and payable on the date set for the redemption thereof and, after such date, interest ceases to accrue thereon where provision is duly made by the Regional Corporation for the payment of the principal amount thereof; interest ceases to accrue on date set for redemption
- (c) the debentures to be redeemed on each anniversary of the date of such debentures shall be selected by lot by the treasurer of the Regional Corporation at a public meeting of the Regional Council and when redeemed shall be cancelled and shall not be reissued, provided always that the principal amount of the debentures to be redeemed in any year may be reduced by the principal amount of any debentures purchased by the Regional Corporation, at a price or prices not exceeding the principal amount thereof, and surrendered for cancellation on the date fixed for redemption; debentures to be redeemed may be purchased
- (d) notice of intention to redeem any debenture shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person, if any, in whose name the debenture may be registered at the address shown in the Debenture Registry Book; notice to redeem to be sent by mail
- (e) notice of intention to redeem any debenture shall be published at least thirty days prior to the date set for such redemption in such manner as the by-law may provide; notice to redeem to be published
- (f) where only a portion of the debentures issued under a by-law is payable on a fixed date, the obligation of the Regional Corporation to redeem by lot annually a specified principal amount of such debentures does not apply in any year in which an instalment of principal of the remaining debentures issued under such by-law becomes due and payable; and where only portion of debentures payable on fixed date
- (g) the aggregate amounts of principal and interest, or the amounts of principal, payable in each year annual amounts payable to be approximately equal

during the currency of debentures issued under this section shall be approximately equal. 1976, c. 43, s. 67.

Application of
R.S.O. 1980,
c. 302

100.—(1) Subsection 152 (1) of the *Municipal Act* applies with necessary modifications to the Regional Council. 1976, c. 70, s. 35.

Hypothecation
not a sale
under this
section

(2) For the purposes of this section, the hypothecation of debentures under section 97 shall not constitute a sale or other disposal thereof.

Consolidation
of
debentures

(3) The Regional Council may by one by-law authorized under subsection (1) amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder.

Special
assessment
and levies

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council. 1973, c. 60, s. 97 (2-4).

Repeal of
by-law when
part only
of money
to be raised

101.—(1) Where part only of a sum of money provided for by a by-law has been raised, the Regional Council may repeal the by-law as to any part of the residue, and as a proportionate part of the amounts to be raised annually.

When to
take
effect

(2) The repealing by-law shall recite the facts on which it is founded, shall provide that it shall take effect on the 31st day of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board. 1973, c. 60, s. 98.

Until debt
paid certain
by-laws
cannot
be repealed

102.—(1) Subject to section 101, after a debt has been contracted under a by-law, the Regional Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not alter any such by-law so as to diminish the amount to be raised annually, and shall not apply to any other purpose any money of the Regional Corporation that has been directed to be applied to such payment.

(2) When the Regional Corporation, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply any of the moneys so paid for any purpose other than the payment of the amounts of principal and interest so becoming due. 1973, c. 60, s. 99.

Application
of payments

103. Any officer of the Regional Corporation whose duty it is to carry into effect any of the provisions of a money by-law of the Regional Corporation, who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on conviction is liable to a fine of not more than \$100. 1973, c. 60, s. 100.

Offence for
neglect of
officer
to carry
out by-law

104.—(1) Within four weeks after the passing of a money by-law, the clerk may register a duplicate original or a copy of it, certified under his hand and the seal of the Regional Corporation, in the appropriate land registry office.

Money
by-laws may
be registered

(2) Subject to section 61 of the *Ontario Municipal Board Act*, every by-law registered in accordance with subsection (1), or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under the *Drainage Act*, or the *Local Improvement Act*, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought, is registered in such registry office within such period of three months or one month, as the case may be.

Application
to quash
registered
by-law, when
to be made
R.S.O. 1980,
cc. 347 126,
250

(3) After the expiration of the period prescribed by subsection (2), if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms.

Time when
by-law to
be valid
and binding

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection (2), but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought

Quashing
part of
by-law

within that period, is after the expiration of that period, valid and binding according to its terms.

Dismissal
of
application

(5) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered, and after such dismissal and the expiration of the period prescribed by subsection (2), if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms.

Illegal
by-laws not
validated

(6) Nothing in this section makes valid a by-law passed without the assent of the electors of an area municipality as required by subsection 96 (1) or a by-law where it appears on the face of it that any of the provisions of subsection 98 (5) have not been substantially complied with.

Failure
to register

(7) Failure to register a by-law as prescribed by this section does not invalidate it. 1973, c. 60, s. 101.

Debentures,
how sealed
and executed

105.—(1) A debenture or other like instrument shall be sealed with the seal of the Regional Corporation, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection (3), shall be signed by the chairman, or by some other person authorized by by-law of the Regional Corporation to sign it, and by the treasurer.

Interest
coupons

(2) A debenture may have attached to it interest coupons that shall be signed by the treasurer and his signature may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the treasurer on the date the Regional Council authorized the execution of the debenture or on the date the debenture bears or at the time the debenture was issued and delivered.

Mechanical
reproduction
of
signatures

(3) The signature of the chairman, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and if the debenture or other like instruments are countersigned in writing by a person authorized by by-law of the Regional Corporation to countersign, the signature of the treasurer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon.

Effect of
mechanical
reproduction

(4) The seal of the Regional Corporation when so engraved, lithographed, printed or otherwise mechanically reproduced has

the same force and effect as if manually affixed and the signature of the chairman or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the treasurer when so engraved, lithographed, printed or otherwise mechanically reproduced shall be deemed the signature of the chairman or other person so authorized to sign or of the treasurer, as the case may be, and is binding upon the Regional Corporation.

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signature of the persons provided in this section if such persons had authority to sign and countersign as provided in this section either on the date the Regional Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered. 1973, c. 60, s. 102.

106. Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the Regional Corporation, the by-law and the debentures issued under it are valid and binding upon the Regional Corporation. 1973, c. 60, s. 103.

107.—(1) Where a debenture contains or has endorsed upon it provision to the following effect:

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the treasurer of this Corporation (or by such other person authorized by by-law of this Corporation to endorse such certificate of ownership), transferable except by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the

.....
.....
of

the treasurer (or such other persons so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book to be called the Debenture Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.

Require-
ments as to
endorsing
certificate
of
ownership

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the treasurer.

Transfer by
entry in
Debenture
Registry
Book

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in subsection (1), is transferable only by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors.

Registration
of debenture
as to principal
and interest

(4) A debenture may be registered as to both principal and interest, in which case the interest thereon shall be paid by cheque and the debenture may be referred to as a fully registered debenture. 1973, c. 60, s. 104.

When
Debenture
Registry
Book
may be
maintained
outside
Canada

(5) Where debentures are payable in a currency other than that of Canada, the Regional Council may provide that the Debenture Registry Book of the Regional Corporation in respect of such debentures be maintained outside Canada by a corporation or person other than the treasurer and may make such other provisions for the registration and transfer of such debentures as the Regional Council considers appropriate. 1976, c. 43, s. 68.

Replacement
of lost
debentures

108. Where a debenture is defaced, lost or destroyed, the Regional Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide. 1973, c. 60, s. 105.

Exchange
of
debentures

109.—(1) On request of the holder of any debenture issued by the Regional Corporation, the treasurer of the Regional Corporation may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount.

On request
of sinking
fund
committee

(2) On the request of the sinking fund committee, the treasurer of the Regional Corporation may, as provided in this section, exchange debentures heretofore or hereafter issued by the Regional Corporation.

(3) Any new debenture mentioned in subsection (1) may be registered as to principal and interest but in all other respects shall be of the same force and effect as the debenture or debentures surrendered for exchange.

New
debenture
of same force
and effect as
debenture
surrendered

(4) The treasurer and auditor of the Regional Corporation shall cancel and destroy all debentures surrendered for exchange and shall certify in the Debenture Registry Book that they have been cancelled and destroyed and shall also enter in the Debenture Registry Book particulars of any new debenture issued in exchange. 1973, c. 60, s. 106.

Debentures
surrendered
for exchange
to be
cancelled

110.—(1) The moneys received by the Regional Corporation from the sale or hypothecation of any debentures to the extent that such moneys are required for the purposes for which the debentures were issued, and for the repayment of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes.

Application
of proceeds
of
debentures

(2) None of the moneys received by the Regional Corporation from the sale or hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the Regional Corporation or an area municipality.

Idem

(3) Where on the sale of any debenture an amount is realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied,

Surplus

- (a) if any such debentures are redeemable prior to maturity at the option of the Regional Corporation to redeem one or more of the debentures having the latest maturity date; or
- (b) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or
- (c) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

Deficiency

(4) Where on the sale of any debentures a deficiency in the amount required for the purpose or purposes for which the debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes. 1973, c. 60, s. 107.

Use of proceeds of sale of asset acquired from proceeds of sale of debentures

111. Where real or personal property acquired out of moneys received by the Regional Corporation from the sale or hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied as an excess in accordance with subsection 110 (3) or, with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the property disposed of or sold. 1973, c. 60, s. 108.

Tenders for debentures

112. When the Regional Corporation intends to borrow money on debentures under this or any other Act, the Regional Council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par. 1973, c. 60, s. 109.

Accounts, how to be kept

113.—(1) The Regional Council shall,

- (a) keep a separate account of every debenture debt;
- (b) where the whole of a debenture debt is not payable in the current year, keep in respect thereof,
 - (i) an additional account for the interest, if any, and
 - (ii) an additional account for the sinking fund or the instalments of principal,

distinguished from all other accounts by a prefix designating the purpose for which the debenture debt was contracted; and

- (c) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

(2) The Regional Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt. 1973, c. 60, s. 110.

Consolidated
interest
account

114. If, in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of principal. 1973, c. 60, s. 111.

Application
of surplus
money

115.—(1) If the Regional Council applies any money raised for a special purpose or collected for a sinking fund in payment of current or other expenditure, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Liability
of members

(2) If the Regional Council, upon the request in writing of a ratepayer of any area municipality, refuses or neglects for one month to bring an action therefor, the action may be brought by any such ratepayer on behalf of himself and all other ratepayers in the Regional Area.

Action by
ratepayer

(3) The members who vote for such application are disqualified from holding any municipal office for two years. 1973, c. 60, s. 112.

Disqualifi-
cation

116. When, by or under the authority of this Act, the Regional Corporation is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the Regional Corporation may, with the approval of the Municipal Board,

Refinancing
of
debentures

- (a) cancel all such debentures that have not been sold and issue new debentures of the Regional Corporation in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board, for the purposes for which such debentures were issued;

- (b) arrange with the area municipality for the redemption of all such debentures as are redeemable and issue new debentures of the Regional Corporation to raise the moneys required for such redemption; and
- (c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the Regional Corporation to raise the money required to complete such purchase. 1973, c. 60, s. 113.

PART XI

GENERAL

Application of
R.S.O. 1980,
c. 302

117.—(1) Sections 5, 84, 85, 90, 92, 93, 94 and 96, subsections 98 (1), (4) and (5), sections 99, 100, 105, 106, 109, 113, 116, 117 and 121, subsection 165 (3), sections 190 and 205, paragraphs 3, 10, 11, 12, 23, 24, 30, 45, 46, 47, 48, 49, 50 and 54 of section 208, subparagraph iii of paragraph 62 and subparagraph ii of paragraph 125 of section 210, paragraph 10 of section 315 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation. 1979, c. 81, s. 86 (1).

Loans re
sewer and
water
connections

(2) Where the Regional Council passes a by-law under subsection 219 (1) of the *Municipal Act*, the council of any area municipality may exercise the powers contained in subsections (5), (6) and (7) of the said section, as if the by-law passed by the Regional Council had been passed by the council of such area municipality. 1974, c. 117, s. 37 (2).

Erections,
annexations
and amalga-
mations

(3) Sections 10 and 11 and, subject to subsection 2 (7), subsection 14 (2) of the *Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, within the Regional Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature.

Public trans-
portation
systems,
refuse dis-
posal, enter-
tainment
expenses,
etc.

(4) The Regional Corporation shall be considered to be a local municipality for the purposes of paragraphs 98 and 129 of section 210 and section 253 of the *Municipal Act*.

Delegation
of approval

(5) Notwithstanding any other provision in this Act, the Regional Council may pass a by-law authorizing the head of the department concerned to grant the approval required by sub-

section 33 (2) and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted. 1973, c. 60, s. 115 (3-5).

(6) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 13 of the *Mortmain and Charitable Uses Act*. 1977, c. 34, s. 31 (2).

Application of
R.S.O. 1980,
c. 297

(7) The Regional Corporation shall be deemed to be, and to have always been, a municipality for the purposes of section 311 of the *Municipal Act*. 1979, c. 81, s. 86 (2).

Deemed
municipality
for purposes of
R.S.O. 1980,
c. 302

(8) Every by-law of a local municipality as it exists on the 31st day of December, 1973, shall remain in force in the area of the former local municipality on and after the 1st day of January, 1974, and may be amended or repealed by the council of an area municipality as it affects such area municipality. 1973, c. 60, s. 115 (7).

By-laws

(9) Where any local municipality has passed a by-law that, prior to its coming into force, requires the approval of any minister of the Crown, any provincial ministry, the Municipal Board or any provincial body or agency, and such approval has not been obtained prior to the 31st day of December, 1973, the council of the successor area municipality to such local municipality shall be entitled to initiate or continue the procedure required to obtain such approval to the by-law passed by the local municipality in so far as it pertains to such area municipality, and the provisions of subsection (8) apply with necessary modifications to any such by-law. 1974, c. 5, s. 3.

Idem

(10) In the event that the Regional Corporation establishes a transportation system in accordance with the provisions of subsection (4), no area municipality shall operate such a system and all the assets and liabilities of any area municipality used for a public transportation system vest in the Regional Corporation on the day such regional transportation system is established, without compensation, and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such assets. 1973, c. 60, s. 115 (9).

Vesting of
trans-
portation
system assets
in Regional
Corporation

(11) The Regional Council may establish and operate a system for the transportation of handicapped persons and the provisions of subsection (10) shall not apply thereto. 1980, c. 76, s. 2.

Transportation
system for
handi-
capped
persons

(12) If the Regional Corporation fails to make any payment on or before the due date required by subsection (10), the area

Default

municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines from such date until payment is made. 1979, c. 81, s. 86 (3).

Emergency
measures,
civil
defence

118.—(1) The Regional Council may pass by-laws,

- (a) for the establishment and maintenance of an emergency measures civil defence organization in the Regional Area; and
- (b) for providing moneys for emergency measures and civil defence, for the purposes of the emergency measures civil defence organization and for the cost of the operation of such organization, and for other similar work in the Regional Area,

and, when a by-law passed under this subsection is in force in the Regional Area, any by-laws passed by the council of an area municipality under subclauses 209 (b) (ii) and (iii) of the *Municipal Act* have no effect.

R.S.O. 1980,
c. 302

Powers of
Regional
Council re
emergency
measures

(2) When a by-law passed under clause (1) (a) is in force, the Regional Council may pass by-laws,

- (a) with the consent of the area municipality or local board concerned, for appointing heads of departments and alternates to be members of or advisors to the emergency measures planning committee or any subcommittee thereof;
- (b) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their emergency functions;
- (c) for appointing members of the emergency measures planning committee or of any subcommittee thereof to be in charge of such departments or utilities throughout the Regional Area, as the by-law may provide, when an emergency has been proclaimed under the *War Measures Act* (Canada);
- (d) for acquiring alternative headquarters for the Regional Government outside the Regional Area;
- (e) for obtaining and distributing emergency materials, equipment and supplies; and
- (f) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack. 1973, c. 60, s. 116 (1, 2).

R.S.C. 1970,
c. W-2

119.—(1) The Regional Corporation may make expenditures for the purpose of diffusing information respecting the advantages of the regional municipality as an agricultural, business, educational, residential or vacation centre and the Regional Council may pass by-laws for establishing and maintaining a department for such purpose and for appointing a commissioner to be responsible for diffusing such information.

Expenditures
for
publicity

(2) The Regional Corporation and other municipalities may pool their funds and act jointly for the purposes of subsection (1). 1979, c. 112, s. 1 (1).

Pooling
of funds

(3) Paragraph 50 of section 210 of the *Municipal Act* applies with necessary modifications to the Regional Corporation, and no area municipality shall exercise any such powers save and except in respect of those lands acquired or held by a local municipality on or before the 31st day of December, 1973. 1973, c. 60, s. 117 (2); 1979, c. 112, s. 1 (2).

Application of
R.S.O. 1980,
c. 302

120. Where, in an action or by the settlement of a claim arising out of any injury to an employee including a member of the Peel Regional Police Force, or to any person considered an employee for the purposes of the *Workmen's Compensation Act*, the Regional Corporation recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the Regional Corporation may impose. 1973, c. 60, s. 119.

Payment
of damages
to employees

R.S.O. 1980,
c. 539

121.—(1) Where the Regional Council passes a resolution requesting a judge of the county court within the Regional Area or a judge of the county court of a county or judicial district adjoining the Regional Area to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the Regional Council, or an officer or employee of the Regional Corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the Regional Corporation, or to inquire into or concerning any matter connected with the good government of the Regional Corporation or the conduct of any part of its public business, including any business conducted by a local board of the Regional Corporation, the judge shall make the inquiry and for that purpose has the powers of a commission under Part II of the *Public Inquiries Act*, and he shall, with all convenient speed, report to the Regional Council the result of the inquiry and the evidence taken.

Investi-
gation
by county
judge of
charges of
malfeasance

R.S.O. 1980,
c. 411

(2) The judge shall be paid by the Regional Corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under the *Judicature Act*.

Fees payable
to judge

R.S.O. 1980,
c. 223

Engaging
counsel

(3) The Regional Council may engage and pay counsel to represent the Regional Corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the Regional Corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel.

Idem

(4) The judge may engage counsel and such other assistants and staff and incur such incidental expenses as he considers advisable for the proper conduct of the investigation or inquiry, and the Regional Corporation shall pay the costs thereof. 1973, c. 60, s. 120.

Commission
of inquiry

122.—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into any of the affairs of the Regional Corporation or a local board thereof, and any matter connected therewith, and the commission has the powers of a commission under Part II of the *Public Inquiries Act*.

When
commission
may issue

(2) A commission may be recommended at the instance of the Ministry or upon the request in writing of not less than one-third of the members of the Regional Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein.

Expenses
of
commission

(3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and are subject to such division between the Regional Corporation and the Province as the Lieutenant Governor in Council may direct. 1973, c. 60, s. 121.

Entry on
highways,
etc.

123. The Regional Corporation for its purposes may enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor, but all such highways, including any sidewalks thereon, lanes and other public communications shall be restored to their original condition without unnecessary delay. 1973, c. 60, s. 122.

Agreements
re services

124. The Regional Corporation and any area municipality may enter into agreements for the use within any part of the Regional Area of the services of their respective officers, employees and equipment on any such terms and conditions as the councils deem necessary. 1973, c. 60, s. 123.

125.—(1) For the purposes of paragraph 9 of section 3 and section 26 of the *Assessment Act*, the Regional Corporation shall be deemed to be a municipality. Application of R.S.O. 1980, c. 31

(2) For the purposes of paragraph 9 of section 3 of the *Assessment Act*, where property belonging to the Regional Corporation is occupied by an area municipality or where property belonging to an area municipality is occupied by the Regional Corporation or another area municipality, the occupant shall not be considered to be a tenant or lessee, whether rent is paid for such occupation or not. Regional Corporation and area municipalities deemed not tenants

(3) In subsection (2) “Regional Corporation” and “area municipality” include a local board thereof. Interpretation 1973, c. 60, s. 124.

126.—(1) An execution against the Regional Corporation may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following: Execution against Regional Corporation

1. The sheriff shall deliver a copy of the writ and endorsement to the treasurer of the Regional Corporation, or leave such copy at the office or dwelling place of the treasurer, with a statement in writing of the sheriff's fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.
2. If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the Regional Council for general purposes are apportioned among the area municipalities, determine the portion of the amount mentioned in the statement that shall be levied against and in each area municipality.
3. The sheriff shall then in like manner as rates struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the execution, and in determining such amount he may make such addition to the same as the sheriff considers sufficient to cover its share of the interest up to the time when the rate will probably be available and his own fees and poundage.

4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality and shall annex to the precept the roll of such rate and shall by the precept, after reciting the writ and that the Regional Corporation has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect of the general annual rates.
5. If, at the time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he shall add a column thereto, headed "Execution rate in A.B. vs. The Regional Municipality of Peel" (adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.
6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same, to the treasurer of the area municipality.

Function
of clerk,
collector
and
assessor

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect, or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be considered to be officers of the court out of which the writ issued, and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them. 1973, c. 60, s. 125.

County
dissolved

127.—(1) The Corporation of the County of Peel is dissolved on the 1st day of January, 1974, and the Regional Corporation shall stand in the place and stead of the County of Peel in any agreements to which such county was a party.

Assets and
liabilities,
etc.

(2) All the assets and liabilities of the County of Peel become, on the 1st day of January, 1974, the assets and liabilities of the Regional Corporation, and all documents and records kept by the clerk or treasurer or any other officer

of the County of Peel shall be transferred to the clerk, and on the same date that portion of the Town of Oakville described in clause 2 (1) (a) is withdrawn from the County of Halton. 1973, c. 60, s. 126.

128.—(1) Except as provided in this Act, the Municipal Board, upon the application of any area municipality or the Regional Corporation, may exercise any of the powers under clauses 14(11) (a), (b) and (d) of the *Municipal Act* in relation to the dissolution of the County of Peel.

Powers of
Municipal
Board

R.S.O. 1980,
c. 302

(2) In the event of any doubt as to whether any particular asset or liability is vested in the Regional Corporation under this Act, the Municipal Board upon application has power to determine the matter as sole arbitrator and sections 94 and 95 of the *Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such power.

Settling
of doubts

R.S.O. 1980,
c. 347

(3) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of any asset assumed by or vested in the Regional Corporation under this Act, the Municipal Board upon application may determine the matter and its decision is final. 1973, c. 60, s. 127.

Idem

129. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are considered necessary or advisable to carry out effectively the purposes of this Act. 1973, c. 60, s. 128.

Conditional
powers

130.—(1) The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails.

Conflict
with other
Acts

(2) The provisions of any special Act relating to the County of Peel or a local board thereof or to any local municipality or local board thereof within the Regional Area, in so far as the provisions of such special Act are not in conflict with the provisions of this Act, continue in force, and the powers conferred by any such special Act may be exercised by the Regional Corporation or a local board thereof or by the corporation of the appropriate area municipality or a local board thereof according to whether the powers conferred by such special Act relate to a function assigned under this Act to the Regional Corporation or a local board thereof or to the area municipalities or local boards thereof. 1973, c. 60, s. 129.

Special
legislation

Municipal
buildings

131.—(1) The Regional Corporation or an area municipality or the Regional Corporation and one or more area municipalities,

- (a) may acquire land for the purpose of constructing municipal buildings; and
- (b) may construct municipal buildings for the use of the Regional Corporation or the Regional Corporation and one or more area municipalities or any local board thereof.

Application of
R.S.O. 1980,
c. 302, s. 125

(2) Section 125 of the *Municipal Act* applies with necessary modifications to any joint undertaking under this section. 1973, c. 60, s. 130.

Inter-
pretation

132.—(1) In this section, “waste” includes ashes, garbage, refuse, domestic waste, solid industrial waste or municipal refuse and such other wastes as may be designated by by-law of the Regional Council.

Receiving
and disposing
of waste by
Regional
Corporation

(2) On and after the 1st day of January, 1974, the Regional Corporation shall provide facilities for the purpose of receiving, dumping and disposing of waste, and no area municipality shall provide such facilities. 1973, c. 60, s. 131 (1, 2).

Waste
disposal
sites

(3) For the purposes of subsection (2), the Regional Corporation may acquire and use land within the Regional Area and may erect, maintain and operate all facilities including buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person, including Her Majesty in right of Ontario, for such purposes, and may prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon such land, and may prescribe rates or charges for the use of such property, which rates or charges may relate to the volume, weight, or class of waste, or otherwise as the Regional Council considers appropriate in the circumstances, and all such existing facilities and lands of a local municipality to the extent they are used for such purposes vest in the Regional Corporation on the 1st day of January, 1974, without compensation. 1973, c. 60, s. 131 (3); 1974, c. 117, s. 39.

Payments of
principal
and interest
to area muni-
cipalities

(4) The Regional Corporation shall pay to the corporation of any area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection (3). 1973, c. 60, s. 131 (1-4).

(5) If the Regional Corporation fails on or before the due date to make any payment required by subsection (4), the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 87. Default

(6) In the event of any doubt as to whether any outstanding debt or portion thereof was incurred in respect of any property vested in the Regional Corporation under this section, the Municipal Board may determine the matter and such determination is final and binding. O.M.B.
to arbitrate

(7) For the purposes of subsection (3), paragraph 84 of section 210 of the *Municipal Act* applies with necessary modifications. Application of
R.S.O. 1980,
c. 302

133. Where any agreement has been entered into by a local municipality, providing the terms thereof are not inconsistent with the provisions of this Act, the Regional Corporation or the appropriate area municipality shall on and after the 1st day of January, 1974, be deemed to stand in the place and stead of such local municipality in so far as the agreement pertains to the functions of the Regional Corporation or area municipality. 1973, c. 60, s. 132. Agreement
successor
rights

134. The Regional Corporation shall appoint a Regional Fire Co-ordinator who shall be responsible for the establishment of an emergency fire service plan and program for the Regional Area, and the Regional Corporation is authorized to expend such sums as it considers necessary to implement such plan and program. 1973, c. 60, s. 133. Regional
Fire
Co-ordinator

135.—(1) Notwithstanding the other provisions of this Act but subject to subsections (2) and (3), for the purposes of section 109 of the *Highway Traffic Act* the area in the Regional Area that, on the 31st day of December, 1973, formed part of a town, village or township municipality shall be considered to continue to form part of a town, village or township municipality. Existing
speed
limits
continued
R.S.O. 1980,
c. 198

(2) Notwithstanding subsection (1), the Regional Council and the council of each area municipality may exercise any of its powers under section 109 of the *Highway Traffic Act* in respect of highways under its jurisdiction and control. By-laws of
Regional
Council and
area councils

(3) Every by-law passed by the council of a municipality under any provision of section 109 of the *Highway Traffic Act* that applied, on the 31st day of December, 1973, to any highway or portion thereof within the Regional Area shall Existing
speed limits
continued

continue to apply thereto until a by-law passed by the Regional Council or the council of an area municipality under such section 109 applies thereto. 1973, c. 60, s. 134.

Boards,
etc.,
dissolved

136.—(1) On the 31st day of December, 1973, all community centre boards and all boards of recreation or park management in a local municipality are dissolved and the assets and liabilities thereof become, on the 1st day of January, 1974, the assets and liabilities of the area municipality of which the local municipality becomes a part, and in the event the area of jurisdiction of any such board is divided between two area municipalities, the committee of arbitrators appointed under section 88 of *The Regional Municipality of Peel Act, 1973*, being chapter 60 shall make the determination of the disposition of such assets and liabilities in the manner prescribed in that section.

Council
deemed
recreation
committee,
etc.
R.S.O. 1980,
cc. 276, 80

(2) The council of an area municipality shall be deemed to be a recreation committee under the *Ministry of Culture and Recreation Act* and the regulations thereunder, and a board of a community recreation centre under the *Community Recreation Centres Act*. 1973, c. 60, s. 136.

Acquiring
land for
parks, etc.

137.—(1) The Regional Council may pass by-laws for acquiring land for and establishing, laying out and improving and maintaining public parks, zoological gardens, recreation areas, squares, avenues, boulevards and drives in the Regional Area and for exercising all or any of the powers that are conferred on boards of park management by the *Public Parks Act*.

R.S.O. 1980,
c. 417

Sale of
spirituous,
etc., liquors
in parks

R.S.O. 1980,
c. 244

(2) In addition to the powers that may be exercised under subsection (1), the Regional Council has power to let from year to year, or for any time not exceeding ten years, the right to sell, subject to the *Liquor Licence Act*, and the regulations made thereunder, spirituous, fermented or intoxicating liquors within regional parks under such regulations as the Regional Council may prescribe.

Application of
R.S.O. 1980,
c. 302

(3) Paragraph 53 of section 208 of the *Municipal Act* applies with necessary modifications to the Regional Corporation.

Regional
Corporation a
municipality
under
R.S.O. 1980,
cc. 367, 80

(4) The Regional Corporation shall be deemed to be a municipality for the purposes of the *Parks Assistance Act* and the *Community Recreation Centres Act*.

Park lands
owned by
conservation
authority

(5) Where, under an agreement with any conservation authority, lands vested in the conservation authority are

managed and controlled by the Regional Corporation, the Regional Corporation may,

(a) exercise all or any of the powers conferred on it under subsection (1) in respect of such lands;

(b) lay out, construct and maintain roads on such lands and, with the consent of the area municipality in which such lands, or any part thereof, are situate, assume the maintenance of existing roads on such lands, or any part thereof;

(c) subject to the *Highway Traffic Act*, regulate traffic on such roads and prescribe the rate of speed for motor vehicles driven on such roads in accordance with subsection 109 (3) of the *Highway Traffic Act*. R.S.O. 1980, c. 198

(6) The Regional Council may agree to pay annually to the area municipality in which any land used for the purposes set out in subsection (1) is situate a sum not exceeding the amount that would have been payable to the municipality as taxes if the land were not exempt from taxation. 1973, c. 60, s. 137. Payment in lieu of taxes

138. The Peel County Museum and Art Gallery together with the assets and liabilities thereof vest, on the 1st day of January, 1974, in the Regional Corporation. 1973, c. 60, s. 138. County museum vested in Regional Corporation

139. Notwithstanding the provisions of any other Act, The Regional Municipality of Peel is a school division and the Peel County Board of Education is continued, subject to subsection 54 (6) of the *Education Act*, as the divisional board of education for The Regional Municipality of Peel. 1973, c. 60, s. 139. Regional Municipality school division
R.S.O. 1980, c. 129

140. Section 59 of the *Education Act* applies to the election of the members of The Peel County Board of Education. 1973, c. 60, s. 140 (2). School board elections

141.—(1) Notwithstanding the provisions of the *Public Libraries Act*, the Minister may by order provide for the establishment of a public library board in any area municipality and for the transfer of any assets and liabilities of any former public library board to such new board. 1973, c. 60, s. 142. Public library boards
R.S.O. 1980, c. 414

(2) An order made under subsection (1) may be retroactive and the Minister shall be deemed always to have had the power to make such retroactive orders. 1979, c. 81, s. 88. Retroactive orders

Power of cities in Regional Area to pass by-laws
R.S.O. 1980, c. 302

142. The council of the City of Mississauga and the council of the City of Brampton may pass any by-law that a board of commissioners of police of a city is authorized to pass under the *Municipal Act*. 1973, c. 60, s. 143; 1973, c. 161, s. 8.

FORM 1

(Section 9 (4))

OATH OF ALLEGIANCE

I,
having been elected (*or appointed*) as chairman of the council of The Regional Municipality of Peel, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (or the reigning sovereign for the time being).

Sworn before me, etc.

1973, c. 60, Form 1.

FORM 2

(Section 9 (4))

DECLARATION OF QUALIFICATION BY CHAIRMAN

I,
having been elected (*or appointed*) as chairman of the council of The Regional Municipality of Peel declare that:

- 1. I am a British subject and am not a citizen or a subject of any foreign country.
- 2. I am of the full age of eighteen years.
- 3. I am not an officer, employee or servant of any area municipality or local board of any area municipality.
- 4. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me, etc.

1973, c. 60, Form 2.

CHAPTER 441

Regional Municipality of Sudbury Act

INTERPRETATION

1. In this Act,

Interpre-
tation

- (a) “area municipality” means the municipality or corporation of the City of Sudbury, the Town of Capreol, the Town of Onaping Falls, the Town of Nickel Centre, the Town of Rayside-Balfour, the Town of Valley East and the Town of Walden, all as constituted by section 2;
- (b) “bridge” means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) “chairman” means the chairman of the Regional Council;
- (d) “debt” includes any obligation for the payment of money;
- (e) “divided municipality” means a local municipality parts of which are annexed to two or more municipalities under subsection 2 (1);
- (f) “highway” and “road” mean a common and public highway or any part thereof, and include a street, bridge, and any other structure incidental thereto or any part thereof;
- (g) “land” includes lands, tenements and hereditaments, and any estate or interest therein, and any right or easement affecting them, and land covered with water, and includes any buildings or improvements on land;
- (h) “local board” means any school board, public utility commission, transportation commission, public library board, board of park management, local board of

health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the Regional Corporation or of an area municipality or of two or more area municipalities or parts thereof;

- (*i*) "local municipality" means in the year 1972 a local municipality and any geographic township or part thereof in the Regional Area;
- (*j*) "merged area" means a local municipality that is amalgamated with another local municipality or a part of a local municipality that is annexed to a local municipality to constitute an area municipality under subsection 2 (1) or the local municipality to which such part is annexed;
- (*k*) "Minister" means the Minister of Intergovernmental Affairs;
- (*l*) "Ministry" means the Ministry of Intergovernmental Affairs;
- (*m*) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money, other than a by-law passed under section 79;
- (*n*) "Municipal Board" means the Ontario Municipal Board;
- (*o*) "Regional Area" means the area from time to time included within the area municipalities;
- (*p*) "Regional Corporation" means the Regional Municipality of Sudbury;
- (*q*) "Regional Council" means the council of the Regional Corporation;
- (*r*) "regional road" means a road forming part of the regional road system established under Part VIII;

- (s) "roadway" means that part of the highway designed or intended for use by vehicular traffic. 1972, c. 104, s. 1; O. Reg. 497/72.

PART I

AREA MUNICIPALITIES

2.—(1) On the 1st day of January, 1973,

Constitution
of area
municipalities

- (a) The Corporation of the Town of Capreol together with the geographic township of Hutton and the geographic township of Norman are amalgamated as a town municipality bearing the name of The Corporation of the Town of Capreol and the portion of the geographic township of Parkin, described as follows, is annexed to such town:

COMMENCING at the southwest angle of the geographic township of Parkin;

THENCE northerly along the west boundary of the Township of Parkin to the northwest corner of Lot 12 in Concession I of the said Township;

THENCE easterly along the north limit of Lot 12 to the northeast angle thereof;

THENCE southerly along the east limit of Lot 12 in Concession I in the said Township of Parkin to the south boundary of the said Township;

THENCE westerly along the south boundary of the Township of Parkin to the point of commencement;

- (b) The Corporation of the Town of Levack and The Corporation of the Improvement District of Onaping are amalgamated as a town municipality bearing the name of The Corporation of the Town of Onaping Falls and the portions of the Township of Dowling and the geographic township of Levack described as follows are annexed to such town:

FIRSTLY, part of the Township of Dowling, commencing at a point in the northwest angle of the Township of Dowling the said point being the southwest angle of the Improvement District of Onaping;

THENCE easterly along the north boundary of the said Township of Dowling to the northeast angle thereof;

THENCE southerly along the east boundary of the Township of Dowling to the limit between the north half and the south half of Lot 1 in Concession III of the geographic township of Fairbank;

THENCE westerly following the limit between the north and south halves of lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 in Concession III of the geographic township of Fairbank to the west boundary of the Township of Dowling;

THENCE northerly along the west boundary of the Township of Dowling to the point of commencement;

SECONDLY, part of the geographic township of Levack, commencing at the northwest angle of the geographic township of Levack;

THENCE easterly along the north boundary of the said township to the northeast angle thereof;

THENCE southerly along the east boundary of the said Township of Levack to the north boundary of the Improvement District of Onaping;

THENCE westerly along the north boundary of the said Improvement District of Onaping to the east boundary of the Town of Levack;

THENCE following the boundaries between the geographic township of Levack and the Town of Levack to the boundary of the Improvement District of Onaping;

THENCE westerly along the northerly boundary of the said Improvement District to the west boundary of the said geographic township of Levack;

THENCE northerly along the west boundary of the said township to the point of commencement;

- (c) The Corporation of the Town of Coniston, The Corporation of the Township of Falconbridge and the geographic township of Maclellan are amalgamated as a town municipality bearing the name of The Corporation of the Town of Nickel Centre and the portions of the Township of Neelon and Garson and the geographic township of Dryden, described as follows, are annexed to such town:

FIRSTLY, part of the Township of Neelon and Garson, commencing at a point in the northerly boundary of the Township of Neelon and Garson where it is intersected by the east limit of Lot 10 in Concession VI of the geographic township of Garson;

THENCE southerly along the east limit of Lot 10 in the said Concession VI to the south limit thereof;

THENCE westerly along the south limit of lots 10, 11 and 12 in Concession VI of the said geographic township of Garson to the westerly boundary of the Township of Neelon and Garson;

THENCE southerly, easterly and southerly along the boundaries of the Township of Neelon and Garson to the southerly boundary of the said Township;

THENCE easterly along the southerly boundary of the Township of Neelon and Garson to the southeast angle thereof;

THENCE northerly along the east boundary of the said Township to the northeast angle thereof;

THENCE westerly along the northerly boundary of the Township of Neelon and Garson to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the corporation boundary of the Town of Coniston;

SECONDLY, part of the geographic township of Dryden, commencing at a point in the easterly boundary of the Township of Dryden where it is intersected by the limit between the north half and the south half of Lot 1 in Concession 1 of the said Township of Dryden;

THENCE westerly following the limit between the north and south halves of lots 1, 2, 3, 4, 5, 6, 7, 8 and part of Lot 9 in Concession I of the Township of Dryden to the westerly limit of Secondary Highway Number 537;

THENCE northerly along the westerly limit of the said Secondary Highway to the south limit of Lot 9 in Concession II of the said Township of Dryden;

THENCE westerly along the south limit of part of Lot 9 and the south limits of lots 10, 11 and 12 in Concession II of the Township of Dryden to the west boundary of the said Township;

THENCE northerly along the west boundary of the Township of Dryden to the northwest angle thereof;

THENCE easterly along the north boundary of the Township of Dryden to the northeast angle of the said Township;

THENCE southerly along the east boundary of the said Township of Dryden to the point of commencement;

- (d) The portions of the Township of Balfour and the geographic township of Snider, described as follows, are annexed to The Corporation of the Township of Rayside to establish a town municipality bearing the name of The Corporation of the Town of Rayside-Balfour:

FIRSTLY, part of the Township of Balfour, commencing at the northwest angle of the Township of Balfour;

THENCE easterly along the north boundary of the Township of Balfour being along the north boundary of the geographic township of Morgan to the northeast angle thereof;

THENCE southerly along the east boundary of the said Township of Balfour to the southeast corner of Lot 1 in Concession IV in the geographic township of Creighton;

THENCE westerly along the south limit of lots 1 to 12, both inclusive, in Concession IV of the said Township of Creighton to the west boundary of the geographic township of Creighton, being also the west boundary of the Township of Balfour;

THENCE northerly along the west boundaries of the said Township of Balfour to the point of commencement;

SECONDLY, part of the geographic township of Snider, commencing at the northeast corner of Lot 1, in Concession IV of the said Township of Snider;

THENCE westerly along the north limit of lots 1 to 10, both inclusive, in Concession IV of the said Township of Snider to the west boundary of the said Township;

THENCE northerly along the west boundary of the Township of Snider to the northwest corner of broken Lot 10 in Concession V of the said Township;

THENCE easterly in a straight line along the north limit of Concession V of the geographic township of Snider being along the south boundary of the Township of Rayside to the east boundary of the said geographic township;

THENCE southerly along the east boundary of the Township of Snider to the point of commencement;

- (e) The Corporation of the City of Sudbury and The Corporation of the Town of Copper Cliff are amalgamated as a city municipality bearing the name of The Corporation of the City of Sudbury and the portions of the geographic townships of Broder, Dill, Eden and Tilton, described as follows, are annexed to such city:

FIRSTLY, part of the geographic township of Broder, commencing at the southwest angle of the Township of Broder;

THENCE northerly along the west boundary of the Township of Broder to the northwest angle thereof;

THENCE easterly along the north boundary of the said Township to an angle of the City of Sudbury;

THENCE following the boundaries between the geographic township of Broder and the City of Sudbury to the north boundary of the said township;

THENCE easterly along the north boundary of the Township of Broder to the northeast angle thereof;

THENCE southerly along the east boundary of the said Township to the southeast angle thereof;

THENCE westerly along the southern boundary of the said Township of Broder to the point of commencement;

SECONDLY, part of the geographic township of Dill, commencing at the southwest angle of the Township of Dill;

THENCE easterly along the south boundary of the Township of Dill to the southeast angle of Lot 7 in Concession I of the said Township;

THENCE northerly along the line between lots 6 and 7 in concessions I to VI, both inclusive, to the north boundary of the said Township of Dill;

THENCE westerly along the north boundary of the Township of Dill to the northwest angle thereof;

THENCE southerly along the west boundary of the said Township of Dill to the point of commencement;

THIRDLY, part of the geographic township of Eden, commencing at a point in the east boundary of the Township of Eden where it is intersected by the south limit of Farm Location F L 54 of the said Township of Eden;

THENCE westerly along the south limit of the said Farm Location F L 54 to the southwest angle of the said Farm Location;

THENCE northerly along the west limit of the said Farm Location to the northwest angle thereof;

THENCE easterly along the north limit of the said Farm Location F L 54 to the east limit of the said Farm Location being the east boundary of the Township of Eden;

THENCE southerly along the east boundary of the said Township to the point of commencement;

FOURTHLY, part of the geographic township of Tilton, commencing at a point in the west boundary of the Township of Tilton where it is intersected by the south limit of Lot 12 in Concession VI of the said Township;

THENCE northerly along the west boundary of the said Township of Tilton to the northwest angle thereof;

THENCE easterly along the north boundary of the Township of Tilton to the east limit of Lot 10 in Concession VI of the said Township;

THENCE southerly along the east limit of Lot 10 in the said Concession VI to the south limit thereof;

THENCE westerly along the south limit of lots 10, 11 and 12 in Concession VI of the said Township of Tilton to the point of commencement;

- (f) The portions of the Township of Neelon and Garson and the geographic township of Lumsden, described as follows, are annexed to the Township of Valley East to establish a town municipality bearing the name of The Corporation of the Town of Valley East:

FIRSTLY, part of the Township of Neelon and Garson, commencing at a point in the northerly boundary of the Township of Neelon and Garson where it is intersected by the east limit of Lot 10 in Concession VI of the geographic township of Garson;

THENCE southerly along the east limit of Lot 10 in the said Concession VI to the south limit thereof;

THENCE westerly along the south limit of lots 10, 11 and 12 in Concession VI of the said geographic township of Garson to the westerly boundary of the Township of Neelon and Garson;

THENCE northerly along the westerly boundary of the Township of Neelon and Garson to the northwest angle thereof;

THENCE easterly along the northerly boundary of the said Township to the point of commencement;

SECONDLY, part of the geographic township of Lumsden, commencing at the southwest angle of the geographic township of Lumsden;

THENCE north along the west boundary of the Township of Lumsden to the Vermilion River;

THENCE easterly along the Vermilion River, being along the boundary of the Township of Valley East, to the east boundary of the said Township of Lumsden;

THENCE southerly along the east boundary of the Township of Lumsden to the southeast angle of the said Township;

THENCE westerly along the south boundary of the geographic township of Lumsden to the point of commencement;

- (g) The Corporation of the Town of Lively, The Corporation of the United Townships of Drury, Denison and Graham and The Corporation of the Township of Waters, together with the geographic townships of Dieppe, Lorne and Louise, are amalgamated as a town municipality bearing the name of The Corporation of the Town of Walden, and the portions of the Township of Balfour, the Township of Dowling and the geographic townships of Fairbank, Hyman, Snider and Trill, described as follows, are annexed to such town:

FIRSTLY, part of the Township of Balfour, commencing at the southeast angle of the Township of Balfour, being also the southeast angle of the geographic township of Creighton;

THENCE northerly along the east boundary of the Township of Balfour to the northeast corner of Lot 1 in Concession III of the geographic township of Creighton;

THENCE westerly along the north limit of lots 1 to 12, both inclusive, in Concession III of the said Township of Creighton to the west boundary of the Township of Balfour;

THENCE southerly along the west boundary of the Township of Balfour to the southwest angle thereof;

THENCE easterly along the southern boundary of the Township of Balfour, being along the southern boundary of the said geographic township of Creighton to the point of commencement;

SECONDLY, part of the Township of Dowling, commencing at the southeast angle of the said Township of Dowling, being at the southeast angle of Lot 1 in Concession III of the geographic township of Fairbank;

THENCE northerly along the east boundary of the said Township of Fairbank to the limit between the north half and the south half of Lot 1 in Concession III of the said Township;

THENCE westerly following the limit between the north and south halves of lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 in the said Concession III to the west boundary of the said Township of Fairbank;

THENCE southerly along the west boundary of the geographic township of Fairbank, being along the west boundary of the Township of Dowling to the southwest angle of the said Township of Dowling;

THENCE easterly along the south boundary of the Township of Dowling to the point of commencement;

THIRDLY, part of the geographic township of Fairbank, commencing at the southeast angle of the said Township of Fairbank;

THENCE northerly along the east boundary of the Township of Fairbank to the northeast corner of Lot 1 in Concession II of the said Township;

THENCE westerly in a straight line along the north limit of lots 1 to 12, both inclusive, in Concession II of the Township of Fairbank being along the south boundary of the Township of Dowling to the west boundary of the said Township of Fairbank;

THENCE southerly along the west boundary of the Township of Fairbank to the southwest angle thereof;

THENCE easterly along the southern boundary of the said Township of Fairbank to the point of commencement;

FOURTHLY, part of the geographic township of Hyman, commencing at the southeast angle of the said Township of Hyman;

THENCE northerly along the east boundary of the said Township to the northeast corner of Lot 1 in Concession II of the said Township of Hyman;

THENCE westerly along the north limit of lots 1, 2 and 3 respectively, in Concession II to the northwest corner of Lot 3 in Concession II of the said Township of Hyman;

THENCE southerly following along the west limits of Lot 3 in concessions II and I to the southern boundary of the Township of Hyman;

THENCE easterly along the south boundary of the said Township of Hyman to the point of commencement;

FIFTHLY, part of the geographic township of Snider, commencing at the southwest angle of the said Township of Snider;

THENCE easterly along the south boundary of the said Township of Snider to the west boundary of the Town of Copper Cliff;

THENCE following the boundaries between the said Township of Snider and the Town of Copper Cliff to the east boundary of the said Township of Snider;

THENCE northerly along the east boundary of the geographic township of Snider to the northeast corner of Lot 1 in Concession IV of the said Township;

THENCE westerly along the north limit of lots 1 to 10, both inclusive, in Concession IV of the said geographic township of Snider to the west boundary of the said Township;

THENCE southerly along the west boundary of the said Township of Snider to the point of commencement;

SIXTHLY, part of the geographic township of Trill, commencing at the southeast angle of the said Township of Trill;

THENCE northerly along the east boundary of the said Township to the northeast corner of Lot 1 in Concession III of the said Township of Trill;

THENCE westerly in a straight line along the north limit of lots 1 to 12, both inclusive, in Concession III of the said Township to the west boundary of the Township of Trill;

THENCE southerly along the boundary between the geographic townships of Trill and Totten to the southwest angle of the Township of Trill;

THENCE easterly along the south boundary of the said Township of Trill to the point of commencement. 1972, c. 104, s. 2 (1); O. Reg. 479/72.

Amalgamations and annexations deemed by Municipal Board orders
R.S.O. 1980, c. 347

(2) For the purposes of every Act, the amalgamations and annexations provided for in this Part shall be deemed to have been effected by orders of the Municipal Board not subject to section 42 of the *Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the 30th day of June, 1972 pursuant to applications made under sections 14 and 25 of *The Municipal Act*, being chapter 284 of the Revised Statutes of

Ontario, 1970, and, subject to the provisions of this Act, the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations and annexations, and sections 94 and 95 of the *Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers and “municipalities” in clause 14 (11) (a) of the *Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed. 1972, c. 104, s. 2 (2). R.S.O. 1980,
cc. 347, 302

3.—(1) The council of each area municipality shall be composed of a mayor, who shall be elected by a general vote of the electors of the area municipality and shall be the head of the council, and the following number of other members of council: Composition
of council

1. The City of Sudbury—Nine aldermen elected by wards.
2. The Town of Capreol—Six councillors elected by general vote.
3. The Town of Onaping Falls—Six councillors, one of whom shall be elected by general vote and five elected by wards.
4. The Town of Nickel Centre—Six councillors, one of whom shall be elected by general vote and five elected by wards.
5. The Town of Rayside-Balfour—Six councillors, one of whom shall be elected by general vote as a member of the council of such town and of the Regional Council and five of whom shall be elected by wards as members of the council of such town.
6. The Town of Valley East—Six councillors, one of whom shall be elected by general vote as a member of the council of such town and of the Regional Council and five of whom shall be elected by wards as members of the council of such town.
7. The Town of Walden—Seven councillors, one of whom shall be elected by general vote as a member of the council of such town and of the Regional Council and six of whom shall be elected by wards as members of the council of such town. 1974, c. 54, s. 1.

Alteration
of wards, etc.,
by O.M.B.

(2) Notwithstanding the provisions of this or any other Act, upon the application of an area municipality authorized by a by-law of the council thereof, or upon the petition of electors in accordance with the provisions of section 13 of the *Municipal Act*, the Municipal Board may, by order,

R.S.O. 1980,
c. 302

- (a) divide or redivide the area municipality into wards, and shall designate the name or number each ward shall bear and shall declare the date when the division or redivision shall take effect;
- (b) alter or dissolve any or all of the wards in the area municipality and shall declare the date when such alterations or dissolutions shall take effect; or
- (c) vary the composition of the council of the area municipality,

provided that,

- (d) no order made under this section shall alter the total number of members who represent the area municipality on the Regional Council as provided for in this Act; and
- (e) the mayor of the area municipality shall continue to be elected by a general vote of the electors of the area municipality, and shall be the head of the council of the area municipality, and shall be a member of the Regional Council, as provided for in this Act. 1976, c. 43, s. 50.

Order of
L. G. in C.

(3) Notwithstanding section 6, the Lieutenant Governor in Council, upon the recommendation of the Minister, may, by order authorize such method of selecting the members who represent the area municipality on the Regional Council as is considered advisable following an order of the Municipal Board under subsection (2). 1977, c. 34, s. 22.

Stay of
proceedings
pending
completion
of inquiry

(4) Where the Minister is inquiring into the structure, organization and methods of operation of one or more area municipalities or the Regional Corporation, he may give notice to the Municipal Board of such inquiry and that in his opinion any application or applications and any petition or petitions made under subsection (2) should be deferred until the inquiry has been completed and considered, and thereupon all proceedings in any such application are stayed until he gives notice to the Municipal Board that they may be continued. 1979, c. 81, s. 62.

(5) No area municipality shall have a board of control. 1972, c. 104, s. 3 (7). No board of control

PART II

INCORPORATION AND COUNCIL OF REGIONAL AREA

4.—(1) The inhabitants of the Regional Area are continued as a body corporate under the name of “The Regional Municipality of Sudbury”. Regional Corporation continued

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of the *Municipal Affairs Act* and the *Ontario Municipal Board Act*. Deemed municipality under R.S.O. 1980, cc. 303, 347

(3) The Regional Municipality of Sudbury for judicial purposes shall form part of the Provisional Judicial District of Sudbury. 1972, c. 104, s. 6. Regional Municipality part of Provisional Judicial District of Sudbury

(4) Nothing in this Act shall be deemed to alter the boundaries of any registry or land titles division. 1972, c. 167, s. 2. Registry boundaries

5.—(1) The powers of the Regional Corporation shall be exercised by the Regional Council and, except where otherwise provided, the jurisdiction of the Regional Council is confined to the Regional Area. Regional Council to exercise corporate powers

(2) Except where otherwise provided, the powers of the Regional Council shall be exercised by by-law. Powers exercised by by-law

(3) A by-law passed by the Regional Council in the exercise of any of its powers and in good faith shall not be open to question, or be quashed, set aside or declared invalid either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them. 1972, c. 104, s. 7. Not to be quashed as unreasonable

6. The Regional Council shall consist of twenty-one members composed of a chairman and, Composition of Regional Council

- (a) the mayor of each area municipality;
- (b) the council of the City of Sudbury so long as the total number of aldermen does not exceed nine;
- (c) the member of council elected by general vote in the area municipality of the Town of Nickel Centre;
- (d) one member of the council of the area municipality of the Town of Rayside-Balfour who has been

elected as a member of the Regional Council and of the council of such area municipality;

- (e) one member of the council of the area municipality of the Town of Valley East who has been elected as a member of the Regional Council and of the council of such area municipality;
- (f) one member of the council of the area municipality of the Town of Walden who has been elected as a member of the Regional Council and of the council of such area municipality. 1972, c. 104, s. 8 (1); 1974, c. 54, s. 2.

Election of
chairman

7.—(1) At the first meeting of the Regional Council after a regular election at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for the term of the council and until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected. 1978, c. 33, s. 58 (1).

Where
chairman
member of
area council

(2) Where a member of the council of an area municipality becomes chairman, he shall be deemed to have resigned as a member of such council, and his seat on such council thereby becomes vacant. 1972, c. 104, s. 9 (3).

Failure
to elect
chairman

(3) If, at the first meeting of the Regional Council after a regular election a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for the term of the council and until his successor is elected or appointed in accordance with this Act. 1978, c. 33, s. 58 (2).

First meeting
of area
councils

8.—(1) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality after a regular election shall be held not later than the seventh day following the day on which the term of office in respect of which the election was held commences.

First meeting
of Regional
Council

(2) The first meeting of the Regional Council after a regular election shall be held after the councils of the area municipalities have held their first meetings under subsection (1), but in any event not later than the fourteenth day following the day on which the term of office in respect of which the election was held commences, on such date

and at such time and place as may be fixed by by-law of the Regional Council. 1978, c. 33, s. 59.

(3) A person entitled to be a member of the Regional Council in accordance with section 6, other than the mayor of each area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council that he attends a certificate under the hand of the clerk of the area municipality that he represents and under the seal of such area municipality certifying that he is entitled to be a member under such section. 1972, c. 104, s. 10 (4). Certificate of qualification

(4) The chairman, before taking his seat, shall take an oath of allegiance in Form 1 and a declaration of qualification in Form 2. Oath of allegiance, declaration of qualification

(5) No business shall be proceeded with at the first meeting of the Regional Council until after the declarations of office in Form 3 of the *Municipal Act* have been made by all members who present themselves for that purpose. Declaration of office
R.S.O. 1980, c. 302

(6) The Regional Council shall be deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in section 9. 1972, c. 104, s. 10 (6-8). When Regional Council deemed organized

9.—(1) Eleven members of the Regional Council representing at least four area municipalities are necessary to form a quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure. Quorum, voting

(2) Subject to subsection (3), each member of the Regional Council has one vote only. One vote

(3) The chairman does not have a vote except in the event of an equality of votes. 1972, c. 104, s. 11. Chairman vote

10. Subject to section 8, all meetings of the Regional Council shall be held at such place within the Regional Area and at such times as the Regional Council from time to time appoints. 1972, c. 104, s. 12. Place of meeting

11.—(1) When a vacancy occurs in the office of a chairman who has been appointed by the Lieutenant Governor in Council, some person shall be appointed by the Lieutenant Governor in Council to hold office as chairman for the remainder of the term of his predecessor. Vacancies, chairman

(2) When a vacancy occurs in the office of a chairman who has been elected under subsection 7 (1), the Regional Idem

Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman who may be one of the members of the Regional Council, or any other person, to hold office for the remainder of the term of his predecessor.

Idem

(3) If the Regional Council fails to elect a chairman within twenty days as required by subsection (2), the Lieutenant Governor in Council may appoint a person as chairman to hold office for the remainder of the term of his predecessor. 1972, c. 104, s. 13 (1-3).

Other members

(4) When a vacancy occurs in the office of a member, other than the chairman or the head of the council of an area municipality, the council of the area municipality of which he was a member shall by by-law within sixty days after the vacancy occurs appoint a successor, who may be a member of the council or a person who is eligible to be elected a member of the council, to hold office for the remainder of the term of his predecessor. 1972, c. 104, s. 13 (4); 1976, c. 43, s. 51.

Resignation

(5) Where a member has been elected as a member of the Regional Council a resignation from either the Regional Council or the council of the area municipality shall be deemed to be resignation from both councils.

Where head of council incapacitated

(6) In the event that the head of a council of an area municipality is for any reason unable to fulfil his duties as a member of the Regional Council for a period exceeding one month, the council of the area municipality may by by-law appoint one of its members as an alternate representative to the Regional Council who shall act in the place and stead of the head of council during his incapacity, but no such by-law shall have effect for a period longer than one month from its effective date. 1972, c. 104, s. 13 (5, 6).

Committees

12. The Regional Council may from time to time establish such standing or other committees and assign to them such duties as it considers expedient. 1972, c. 104, s. 15 (1).

Procedural by-laws

13. The Regional Council may pass by-laws for governing the proceedings of the Regional Council and any of its committees, the conduct of its members and the calling of meetings. 1972, c. 104, s. 16.

Head of Council

14.—(1) The chairman is the head of the Regional Council and is the chief executive officer of the Regional Corporation.

(2) The Regional Council may by by-law appoint a chief administration officer, who,

Chief
adminis-
trative
officer

- (a) shall have such general control and management of the administration of the government and affairs of the Regional Corporation and perform such duties as the Regional Council by by-law prescribes;
- (b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;
- (c) shall hold office during the pleasure of the Regional Council; and
- (d) shall receive such salary as the Regional Council by by-law determines.

(3) Subsection 99 (2) of the *Municipal Act* applies to a chief administrative officer appointed under subsection (2) of this section. 1972, c. 104, s. 17.

Application of
R.S.O. 1980,
c. 302, s. 99 (2)

15.—(1) When the chairman is absent or refuses to act, or his office is vacant, the Regional Council may by resolution appoint one of its members to act in his place and stead and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

Acting
chairman

(2) The Regional Council may by by-law appoint a member of the Regional Council to act from time to time in the place and stead of the chairman when the chairman is absent from the Regional Area or absent through illness or his office is vacant and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman. 1974, c. 117, s. 26.

Idem

16.—(1) Sections 57, 58, 60, 62, 63, 129, 137 to 141, 238, 239, 240 to 244, 247, 248, 249 and 250 of the *Municipal Act* apply with necessary modifications to the Regional Corporation. 1980, c. 33, s. 13.

Application of
R.S.O. 1980,
c. 302

(2) Sections 55, 64, 65 and 107 of the *Municipal Act* apply with necessary modifications to the Regional Council and to every local board of the Regional Corporation. 1972, c. 104, s. 19 (2).

Idem

17.—(1) The Regional Council shall appoint a clerk, whose duty it is,

Appointment
of clerk

- (a) to record truly without note or comment, all resolutions, decisions and other proceedings of the Regional Council;
- (b) if required by any member present, to record the name and vote of every member voting on any matter or question;
- (c) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the Regional Council and its committees; and
- (d) to perform such other duties as may be assigned to him by the Regional Council.

Deputy clerk (2) The Regional Council may appoint a deputy clerk who shall have all the powers and duties of the clerk.

Acting clerk (3) When the office of clerk is vacant or the clerk is unable to carry on his duties through illness or otherwise, the Regional Council may appoint an acting clerk *pro tempore* who shall have all the powers and duties of the clerk. 1972, c. 104, s. 20 (1-3).

Minutes
open to
inspection

18.—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents in the possession or under the control of the clerk, except interdepartmental correspondence and reports of officials of any department or of solicitors for the Regional Corporation made to the Regional Council or any of its committees, and the clerk within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the Regional Corporation to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix.

Index of
by-laws
affecting
land

(2) The clerk shall keep an index book in which he shall enter the number and date of all by-laws passed by the Regional Council that affect land or the use thereof in the Regional Area but do not directly affect the title to land.

Copies
certified by
clerk to be
receivable in
evidence

(3) A copy of any record, book or document in the possession or under the control of the clerk, purporting to be certified under his hand and the seal of the Regional Corporation, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs. 1972, c. 104, s. 21.

19.—(1) The Regional Council shall appoint a treasurer who shall keep the books, records and accounts, and prepare the annual financial statements of the Regional Corporation and preserve and file all accounts of the Regional Corporation and shall perform such other duties as may be assigned to him by the Regional Council. Appointment of treasurer

(2) The Regional Council may appoint a deputy treasurer who shall have all the powers and duties of the treasurer. Deputy treasurer

(3) When the office of treasurer is vacant or the treasurer is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting treasurer *pro tempore* who shall have all the powers and duties of the treasurer. 1972, c. 104, s. 22. Acting treasurer

20.—(1) The treasurer shall receive and safely keep all money of the Regional Corporation and shall pay out money to such persons and in such manner as the law in force in Ontario and the by-laws or resolutions of the Regional Council direct, provided that every cheque issued by the treasurer shall be signed by the treasurer and by some other person or persons designated for the purpose by by-law or resolution of the Regional Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized. Receipt and disbursement of money

(2) Notwithstanding subsection (1), the Regional Council may by by-law, Signing of cheques

(a) designate one or more persons to sign cheques in lieu of the treasurer; and

(b) provide that the signature of the treasurer and of any other person authorized to sign cheques may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

(3) The Regional Council may by by-law provide that the treasurer may establish and maintain a petty cash fund of an amount of money sufficient to make change and pay small accounts, subject to such terms and conditions as the by-law may provide. 1972, c. 104, s. 23 (1-3). Petty cash fund

(4) Except where otherwise expressly provided by this Act, a member of the Regional Council shall not receive any money from the treasurer for any work or service performed or to be performed, but nothing in this subsection prevents the payment of any moneys under any When member may be paid

R.S.O. 1980,
c. 305

contract in respect of which the member has complied with section 2 of the *Municipal Conflict of Interest Act*. 1972, c. 104, s. 23 (4); 1973, c. 139, s. 2.

Treasurer's
liability
limited

(5) The treasurer is not liable for money paid by him in accordance with a by-law or resolution of the Regional Council, unless another disposition of it is expressly provided for by statute. 1972, c. 104, s. 23 (5).

Bank
accounts

21. Subject to subsection 20 (3), the treasurer shall,

- (a) open an account or accounts in the name of the Regional Corporation in such of the chartered banks of Canada or at such other place of deposit as may be approved by the Regional Council;
- (b) deposit all money received by him on account of the Regional Corporation, and no other money, to the credit of such account or accounts, and no other account; and
- (c) keep the money of the Regional Corporation entirely separate from his own money and from that of any other person,

and, notwithstanding subsection 20 (1), the Regional Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the treasurer vary from such provisions. 1972, c. 104, s. 24.

Monthly
statement

22.—(1) The treasurer shall prepare and submit to the Regional Council, monthly, a statement of the money at the credit of the Regional Corporation.

Notice to
sureties

(2) Where the treasurer is removed from office or absconds, the Regional Council shall forthwith give notice to his sureties. 1972, c. 104, s. 25.

Appointment
of auditors

23.—(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause by the Regional Council and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation, except school boards. 1977, c. 34, s. 23.

Cost of
audit

(2) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the Regional Corporation and charged back to the local board, and,

in the event of a dispute as to the amount of the cost, the Ministry may upon application finally determine the amount thereof. 1972, c. 104, s. 26 (2).

(3) No person shall be appointed as an auditor of the Regional Corporation who is or during the preceding year was a member of the Regional Council or of the council of an area municipality or of any local board, the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the Regional Corporation or an area municipality or any such local board, or any employment with any of them other than for services within his professional capacity. 1972, c. 104, s. 26 (3); 1976, c. 43, s. 52.

Dis-
qualification
of auditors

(4) An auditor shall perform such duties as are prescribed by the Ministry and also such duties as may be required by the Regional Council or any local board of the Regional Corporation that do not conflict with the duties prescribed by the Ministry. 1972, c. 104, s. 26 (4).

Duties of
auditors

24.—(1) Sections 84, 85, 90, 92, 93, 94 and 96, subsections 98 (1), (4) and (5), sections 99, 100, 109 and 117 and paragraphs 10, 45, 46, 47, 48 and 49 of section 208 of the *Municipal Act* apply with necessary modifications to the Regional Corporation. 1972, c. 104, s. 27 (1); 1972, c. 167, s. 3.

Application of
R.S.O. 1980,
c. 302

(2) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area, the Regional Corporation or local board thereof shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the 30th day of June, 1972 in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the Regional Corporation or local board thereof and such employee shall have uninterrupted membership or entitlement to membership, as the case may be, in the Ontario Municipal Employees Retirement System.

Pensions

(3) Where the Regional Corporation or local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area, the employee shall be deemed to remain an employee of the local municipality or local board thereof for the purposes of his entitlement under any approved pension plan.

Idem

**Sick leave
credits**

(4) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area, the employee shall be deemed to remain an employee of the municipality or local board thereof until the Regional Corporation or local board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the Regional Corporation, whereupon the Regional Corporation or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the municipality or local board thereof.

Holidays

(5) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area, the Regional Corporation or local board thereof shall during the first year of his employment by the Regional Corporation or local board thereof, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the municipality or local board thereof.

**Offer of
employment**

(6) The Regional Council shall offer to employ every person who, on the 1st day of April, 1972, is employed in any undertaking of any local municipality or local board thereof that is assumed by the Regional Corporation under this Act. 1972, c. 104, s. 27 (2-6).

**Application of
R. S. O. 1980,
c. 348**

(7) The Regional Corporation shall be deemed to be a municipality for the purposes of the *Ontario Municipal Employees Retirement System Act*.

**Offer of
employment**

(8) The employees of the local municipalities and the local boards thereof within the Regional Area, which are amalgamated or annexed in whole or in part to form an area municipality, who were employed by such a local municipality or local board on the 1st day of April, 1972, and continue to be so employed until the 31st day of December, 1972, except employees offered employment by the Regional Council under subsection (6), shall be offered employment by the council of the area municipality with which they are amalgamated or to which they are annexed.

**Sick leave
credits**

(9) Any sick leave credits standing, on the 31st day of December, 1972, to the credit of any person who accepts employment under subsection (8) shall be placed to the credit of such employee in any sick leave credit plan established by the new employer.

(10) Any person who accepts employment under subsection (8) shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the local municipality or local board by which he was formerly employed. 1972, c. 104, s. 27 (8-11). Holidays

(11) Where, under the provisions of this section any employee, in the opinion of the Minister, experiences any difficulty or hardship with regard to the transfer of any pension rights or sick leave credits, the Minister may by order do anything necessary to remedy or alleviate such difficulty or hardship. 1973, c. 139, s. 3. Pension rights and sick leave credits

(12) Nothing in this section prevents any employer from terminating the employment of an employee for cause. 1972, c. 104, s. 27 (12). Termination of employment

PART III

REGIONAL WATERWORKS SYSTEM

25.—(1) On and after the 1st day of January, 1975, the Regional Corporation has the sole responsibility for the supply and distribution of water in the Regional Area, including the establishment, construction, maintenance, operation, improvement and the extension of waterworks systems and the financing thereof, and all the provisions of any general Act relating to such supply and distribution of water and the financing thereof by a municipal corporation or a local board thereof and all of the provisions of any special Act relating to such supply and distribution of water and the financing thereof by an area municipality or a local board thereof, apply with necessary modifications to the Regional Corporation, except the power to establish a public utilities commission. Supply and distribution of water by Regional Corporation

(2) The Regional Corporation may finance the whole or any part of the cost and debt charges of such supply and distribution of water by establishing one or more urban service areas with the approval of the Municipal Board and raising the moneys required by imposing a rate or rates in such area or areas, or may raise the moneys required by any Method of financing

other method or methods authorized by law or by any combination thereof.

Preparation
of special
assessment
rolls and
collection of
special
assessments
R.S.O. 1980,
c. 250

(3) If the Regional Corporation proceeds under the *Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the Regional Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the Regional Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the Regional Corporation.

Regional
Corporation
may require
area municipi-
pality to
collect
moneys
R.S.O. 1980,
c. 302

(4) Where the Regional Corporation does not proceed under the *Local Improvement Act* or under section 218 of the *Municipal Act*, the Regional Corporation may require any area municipality to collect the sums required for financing such supply and distribution of water either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality and such special rate does not require the approval of the Municipal Board.

Approval of
O.M.B. to
undertaking,
etc.

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to such supply and distribution of water without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

Powers of
O.M.B.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection (5) and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

Area municipi-
palities,
no power to
supply and
distribute
water

(7) Subject to subsection (13), on or after the 1st day of January, 1975, no area municipality has or shall exercise any

powers under any Act for the supply and distribution of water, or the financing thereof.

(8) All waterworks, supply systems, meters, mechanical equipment and all real and personal property of any nature whatsoever used solely for the purpose of the supply and distribution of water and all other assets, liabilities and surpluses or deficits, including reserves, of the local municipalities relating to any facility for such supply and distribution of water in the Regional Area or for any area municipality is vested in the Regional Corporation effective the 1st day of January, 1975, and no compensation or damages shall be payable to any area municipality in respect thereof.

Vesting of
property in
Regional
Corporation

(9) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under subsection (8), but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under the *Local Improvement Act* is payable as the owners' share of a local improvement work. 1974, c. 117, s. 27, *part*.

Payments of
principal and
interest to
area municipi-
alities

R.S.O. 1980,
c. 250

(10) If the Regional Corporation fails to make any payment as required by subsection (9), the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 64.

Default

(11) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting such supply and distribution of water, the Regional Corporation shall, on and after the 1st day of January, 1975, stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Agreements

(12) The Regional Corporation may enter into agreements with the corporation of any adjoining municipality, including a regional, district or metropolitan municipality, with respect to the matters provided for in this Part.

Idem

(13) The Regional Corporation may enter into an agreement with any area municipality or local board thereof regarding the recovery of the cost of the supply and distribution of water.

Idem

(14) The clerk of an area municipality shall, on notice to him by the treasurer of the Regional Corporation of an

Entry by
clerk on
collector's
roll

amount due in respect of the supply of water and by whom it is due and the lands on which a lien is claimed, enter the amount due upon the collector's roll of the area municipality and subsections 30 (2), (3) and (4) of the *Public Utilities Act* apply, and the moneys collected shall be forwarded to the treasurer of the Regional Corporation.

R.S.O. 1980,
c. 423

Existing
urban service
areas

(15) All urban service areas as they exist on the 31st day of December, 1974, pertaining to the purposes of this Part, in an area municipality continue until such time as the Regional Council otherwise determines. 1974, c. 117, s. 27, *part.*

PART IV

REGIONAL SEWAGE WORKS

Regional
Corporation
responsi-
bility for
collection
and disposal
of sewage

26.—(1) On and after the 1st day of January, 1975, the Regional Corporation, except as provided in subsection (12), has the sole responsibility for the collection and disposal of all sewage in the Regional Area, including the establishment, construction, maintenance, operation and financing thereof, and all the provisions of any general Act relating to such collection and disposal of such sewage and the financing thereof by a municipal corporation or a local board thereof and all the provisions of any special Act relating to such collection and disposal of such sewage and the financing thereof by an area municipality or a local board thereof apply with necessary modifications to the Regional Corporation, except the power to establish a public utilities commission. 1974, c. 117, s. 28, *part.*

Method of
financing

(2) The Regional Corporation may finance the whole or any part of the cost, including the establishment, construction, maintenance, operation and debt charges, of collection and disposal of sewage,

(a) by imposing a surcharge on the water rate, which does not require the approval of the Municipal Board, and such surcharge shall be collectable in the same manner as water rates and shall be deemed to be a user charge and no property shall be exempt from such charge by reason only that it is exempt from taxation under section 3 of the *Assessment Act*;

R.S.O. 1980,
c. 31

(b) by establishing one or more urban service areas with the approval of the Municipal Board and imposing a rate or rates in such area or areas; or

- (c) by any method or methods authorized by law or by any combination thereof. 1974, c. 117, s. 28, *part*; 1976, c. 70, s. 25.

(3) If the Regional Corporation proceeds under the *Local Improvement Act*, or any other Act involving the use of a collector's roll, an area municipality shall provide all information requested by the Regional Corporation for the purpose of the preparation of the special assessment rolls, and the clerk of the Regional Corporation, after certifying the special assessment rolls, shall forward the same to the treasurer of the area municipality concerned who shall enter the special assessments on the collector's roll and collect the same in the same manner as taxes and remit the same with the penalties, if any, to the treasurer of the Regional Corporation.

Preparation of special assessment rolls and collection of special assessments
R.S.O. 1980, c. 250

(4) Where the Regional Corporation does not proceed by imposing a surcharge on the water rate, or under the *Local Improvement Act*, or under section 218 of the *Municipal Act*, the Regional Corporation may require any area municipality to collect the sums required for financing the collection and disposal of sewage either by a general rate in the area municipality or by a special rate on an urban service area within such area municipality, and such special rate does not require the approval of the Municipal Board.

Regional Corporation may require area municipality to collect moneys required
R.S.O. 1980, c. 302

(5) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to the collection and disposal of sewage without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

Approval of O.M.B. to undertaking, etc.

(6) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection (5) and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered.

Powers of O.M.B.

(7) Subject to subsection (15), on and after the 1st day of January, 1975, no area municipality has or shall exercise any powers under any Act for the collection and disposal of sewage, or the financing thereof, except as provided in subsection (12).

No area municipality to collect and dispose of sewage

Vesting of
property in
Regional
Corporation

(8) All sewage works, sewer systems and treatment works, including buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets, or other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage, including all assets and liabilities, surpluses, reserves and deficits of an area municipality relating thereto, except as provided in subsection (12), and all real and personal property of any nature whatsoever used solely for the purpose of the collection and disposal of such sewage in the Regional Area by any area municipality are vested in the Regional Corporation on the 1st day of January, 1975, and no compensation or damages shall be payable to any area municipality in respect thereof.

Regional
Corporation
liability

(9) The Regional Corporation shall pay to the corporation of any area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under subsection (8), but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that, under the *Local Improvement Act*, is payable as the owners' share of the local improvement work. 1974, c. 117, s. 28, *part*.

R.S.O. 1980,
c. 250

Default

(10) If the Regional Corporation fails to make any payment as required by subsection (9), the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 65.

Agreements

(11) With respect to any agreements entered into by any municipality or local board thereof in the Regional Area respecting the interception, collecting, settling, treating, dispersing, disposing or discharging of sewage, except as provided for in subsection (12), the Regional Corporation shall stand in the place and stead of such municipality or local board for all purposes of any such agreement.

Area
municipality
responsi-
bility for
storm
drainage

(12) Subject to subsection (13), each area municipality is responsible for land drainage, including storm, surface, overflow, subsurface, or seepage waters or other drainage from land, within the municipality and including the drainage of any road in the municipality that does not form part of the regional road system.

(13) The Regional Corporation may undertake such land drainage, including the assumption of any work or works of an area municipality pertaining thereto, in the whole or any part or parts of the Regional Area, and where the Regional Corporation does so the provisions of this Part apply, with necessary modifications, to the establishment, construction, maintenance, operation and financing thereof.

Regional Corporation may undertake land drainage program

(14) The Regional Corporation may enter into agreements with the corporation of any adjoining municipality, including a regional, district or metropolitan municipality with respect to the matters provided for in this Part.

Agreements

(15) The Regional Corporation may enter into an agreement with any area municipality or local board thereof regarding the recovery of costs of the collection and disposal of sewage.

Idem

(16) All urban service areas as they exist on the 31st day of December, 1974, pertaining to the purposes of this Part, in an area municipality continue until such time as the Regional Council otherwise determines. 1974, c. 117, s. 28, *part.*

Existing urban service areas

PART V

PLANNING

27.—(1) The Regional Area is continued as a municipality and a planning area for the purposes of the *Planning Act* and shall be known as the Sudbury Planning Area. 1972, c. 104, s. 33 (1).

Planning area
R.S.O. 1980,
c. 379

(2) The Regional Council shall be the planning board of the Sudbury Planning Area and where the Regional Council meets in respect of matters pertaining to the *Planning Act*, no separate meeting of the Council as a planning board is required. 1978, c. 33, s. 63.

Regional Council to be planning board; separate meeting not required

(3) Notwithstanding subsection (2) of this section, subsection 12 (2) of the *Planning Act* does not apply to the Regional Council. 1979, c. 81, s. 66.

R.S.O. 1980,
c. 379,
s. 12 (2),
not to apply

(4) All planning areas and subsidiary planning areas together with the boards thereof included in the Sudbury Planning Area on the 31st day of December, 1972, are deemed to have been dissolved on such date, and no area municipality shall exercise any powers under the *Planning Act*. 1974, c. 54, s. 3.

Planning areas and subsidiary planning areas dissolved

Proviso

(5) Nothing in subsection (4) affects any official plan in effect in any part of the Regional Area.

By-laws

(6) Every by-law passed under the provisions of *The Planning Act*, being chapter 349 of the Revised Statutes of Ontario, 1970, by a local municipality as it exists on the 31st day of December, 1972, shall continue in force until repealed by the Regional Council. 1972, c. 167, s. 5.

Collection of
costs under
R.S.O. 1980,
c. 51

(7) Where the Regional Corporation has incurred a cost under subsection 10 (4) of the *Building Code Act*, the cost may be charged to the area municipality in which the building is situate and the clerk of the area municipality shall add the cost to the collector's roll, collect the cost in like manner as municipal taxes and, when the cost has been collected, pay it to the Regional Corporation. 1979, c. 81, s. 67.

Official
plan

(8) The Regional Council, before the 31st day of December, 1975, shall prepare, adopt and forward to the Minister of Housing for approval an official plan for the Regional Area.

Advisory
committees

(9) The Regional Council may appoint such advisory planning committees as it considers necessary. 1972, c. 104, s. 33 (4, 5).

Committees
of adjustment

(10) All committees of adjustment theretofore constituted by the council of a local municipality in the Sudbury Planning Area are dissolved on the 31st day of December, 1972, and the Regional Council shall by by-law constitute and appoint a committee of adjustment under section 48 of the *Planning Act*. 1972, c. 104, s. 33 (7).

R.S.O. 1980,
c. 379

PART VI

HEALTH AND WELFARE SERVICES

Liability for
hospital-
ization of
indigents
R.S.O. 1980,
cc. 410, 389

28.—(1) The Regional Corporation shall be deemed to be a city for all the purposes of the provisions of the *Public Hospitals Act* and the *Private Hospitals Act* respecting hospitalization and burial of indigent persons and their dependants, and no area municipality has any liability under such provisions.

Existing
liabilities
transferred

(2) The Regional Corporation is liable for the hospitalization and burial, after the 31st day of December, 1972, of an indigent person or his dependant who was in hospital on the 31st day of December, 1972, and in respect of whom any local municipality within the Regional Area was liable because the indigent person was a resident of such local municipality.

(3) Nothing in subsection (2) relieves any such local municipality from any liability in respect of hospitalization or burials before the 1st day of January, 1973. 1972, c. 104, s. 34 (1-3). Proviso

29.—(1) The Regional Council may pass by-laws for granting aid for the construction, erection, establishment, acquisitions, maintenance, equipping and carrying on the business of public hospitals including municipal hospitals, public sanatoria, municipal isolation hospitals and other health care facilities in the Regional Area and may issue debentures therefor and no area municipality shall exercise any such powers. 1972, c. 104, s. 35 (1). Aid to hospitals

(2) Nothing in subsection (1) prevents any area municipality from acquiring by purchase or lease real property for the purpose of leasing such property to a legally qualified medical practitioner or dental practitioner on such terms and conditions as the council of such area municipality may determine, and such property may be leased for residential, clinical or office purposes or a combination thereof. 1973, c. 139, s. 6. Power to acquire real property for purpose of leasing to doctor or dentist

(3) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection (1), prior to the 1st day of January, 1973, and, if the Regional Corporation fails to make any payment on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 68. Responsibility of Regional Corporation

(4) The Regional Council shall be responsible for making all municipal appointments to the board of any public hospital in the Regional Area. 1974, c. 117, s. 29. Regional Council to make municipal appointments to hospital boards

30. The Regional Area is continued as a part of the health unit established under the *Public Health Act* known as the Sudbury and District Health Unit. 1972, c. 104, s. 36. Regional Area part of Sudbury and District Health Unit
R.S.O. 1980, c. 409

31. The representation of the Regional Area on the board of health of the Sudbury and District Health Unit shall comprise seven members, who are also members of the Regional Council, appointed by the Regional Council. 1972, c. 104, s. 37. Representation on board of health

32.—(1) The Regional Corporation shall be deemed to be a municipality for the purposes of the *District Welfare* Regional Corporation deemed municipality under
R.S.O. 1980, c. 122

Administration Boards Act and as such shall be a member municipality of the District of Sudbury Welfare Administration Board.

Regional Corporation deemed town under R.S.O. 1980, cc. 21, 263, 463, 527, 111, 188, 200

(2) No area municipality shall be deemed to be a municipality for the purposes of the following Acts and the Regional Corporation shall be deemed to be a town for such Acts:

1. *Anatomy Act*;
2. *Mental Hospitals Act*;
3. *Sanatoria for Consumptives Act*;
4. *War Veterans Burial Act*;
5. *Day Nurseries Act*;
6. *General Welfare Assistance Act*;
7. *Homemakers and Nurses Services Act*.

Membership on District Welfare Administration Board R.S.O. 1980, c. 122

(3) Notwithstanding subsection 3 (4) of the *District Welfare Administration Boards Act*, a minimum of two-thirds of the membership of the District Welfare Administration Board shall be members of the Regional Council, appointed by the Regional Council. 1972, c. 104, s. 38.

Liability respecting homes for the aged R.S.O. 1980, c. 203

33.—(1) The Regional Corporation shall be deemed to be a town for the purposes of the *Homes for the Aged and Rest Homes Act*, and no area municipality has any authority as to the establishment, erection and maintenance of a home for the aged under that Act.

Sudbury home for aged vested in Regional Corporation

(2) The home for the aged known as Pioneer Manor in the District of Sudbury and all real and personal property used for the purposes of such home vest in the Regional Corporation on the 1st day of January, 1973, without compensation, except as provided in subsection (4). 1972, c. 104, s. 39(1, 2).

Responsibility of Regional Corporation

(3) The Regional Corporation shall pay to any municipality, before the due date, all amounts of principal and interest due upon any outstanding debt of such municipality in respect of Pioneer Manor and, if the Regional Corporation fails to make any payment on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 69.

(4) The Regional Corporation may enter into such agree- Agreements
ments as it deems advisable with any municipality outside the
Regional Area in respect of contributions made by such
municipality to the construction and operation of Pioneer
Manor and also in respect of the admission and maintenance
of residents of such municipality.

(5) If the Regional Corporation or any municipality cannot Settling
disputes
reach agreement in respect of the matters provided for in
subsection (4), either party may submit the dispute to the Muni-
cipal Board whose decision shall be final. 1972; c. 104, s. 39
(4, 5).

34. No area municipality shall be deemed to be a Area
municipality
not muni-
cipality under
R.S.O. 1980,
c. 66
municipality for the purposes of the *Child Welfare Act*.
1972, c. 104, s. 40.

35. Where an order is made under subsection 20 (2) Liability
under order
made under
R.S.C. 1970,
c. J-3
of the *Juvenile Delinquents Act* (Canada) upon an area
municipality, such order shall be deemed to be an order upon
the Regional Corporation, and the sum of money required to
be paid under such order shall be paid by the Regional
Corporation and not by the area municipality. 1972, c. 104,
s. 42.

36.—(1) In the event that there is any doubt as to whether Adjustments
the Regional Corporation is liable under this Part in respect of
the liabilities imposed herein, the matter may be settled by
agreement between the municipalities concerned or, failing
agreement, may be determined by the Municipal Board.

(2) Every area municipality and every officer or employee Information
thereof, shall, at the request of the officers of the Regional
Corporation who are responsible for the administration of the
Acts referred to in this Part, furnish forthwith to such officers
any information they may require for the purposes of this Part.
1972, c. 104, s. 43.

37. The Regional Corporation may grant aid to approved Grants to
approved
corporations
under
R.S.O. 1980,
c. 201
corporations established under the *Homes for Retarded Persons*
Act, and may enter into agreements with any of such cor-
porations with respect to the construction, operation and main-
tenance of homes for retarded persons. 1972, c. 104, s. 44.

PART VII

POLICE

38. In this Part, "Sudbury Police Board" means the Interpre-
tation
Sudbury Regional Board of Commissioners of Police. 1972,
c. 104, s. 45.

Sudbury
Regional
Board
continued

39.—(1) The board of commissioners of police known as the Sudbury Regional Board of Commissioners of Police is continued and shall consist of,

- (a) two members of the Regional Council appointed by resolution of the Regional Council;
- (b) a judge of a court having jurisdiction in the Provisional Judicial District of Sudbury designated by the Lieutenant Governor in Council; and
- (c) two persons appointed by the Lieutenant Governor in Council. 1972, c. 104, s. 46 (1); 1972, c. 167, s. 6.

Quorum

(2) Three members of the Sudbury Police Board, including a member appointed by the Regional Council, are necessary to form a quorum. 1972, c. 104, s. 46 (2).

Remunera-
tion

R.S.O. 1980,
c. 381

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under the *Police Act*, to the members of the Sudbury Police Board appointed by the Lieutenant Governor in Council. 1978, c. 33, s. 64.

Regional
Corporation
deemed city
under
R.S.O. 1980,
c. 381

40.—(1) On and after the 1st day of January, 1973,

- (a) the Regional Corporation shall be deemed to be a city having a population of more than 15,000 according to the last municipal census for the purposes of the *Police Act*, except subsections 8 (1) to (4) thereof;
- (b) the *Police Act*, except section 70, does not apply to any area municipality; and
- (c) the Sudbury Police Board and the members of the Sudbury Regional Police Force shall be charged with the same duties with respect to by-laws of the area municipalities as with respect to by-laws of the Regional Corporation. 1972, c. 104, s. 47 (1); 1978, c. 33, s. 65.

Fines

(2) The fines imposed for the contravention of the by-laws of any area municipality, shall, where prosecuted by the Sudbury Regional Police Force, belong to the Regional Corporation and, where prosecuted by any other person, belong to the area municipality whose by-law has been contravened. 1972, c. 104, s. 47 (2).

41.—(1) Every person who is a member of a police force of or for a local municipality within the Regional Area on the 1st day of April, 1972, and continues to be a member until the 31st day of December, 1972, shall, on the 1st day of January, 1973, become a member of the Sudbury Regional Police Force, and the provisions of subsections 24 (5) and (11) apply to such members. 1972, c. 104, s. 48 (1); 1973, c. 139, s. 7 (1). Area police force

(2) Every person who is a member of a police force of a local municipality on the 31st day of December, 1972 and becomes a member of the Sudbury Regional Police Force on the 1st day of January, 1973, is subject to the government of the Sudbury Police Board to the same extent as if appointed by the Sudbury Police Board. Sudbury Regional Police Force

(3) After the 1st day of November, 1972, the members of the police forces of all local municipalities shall appoint a joint bargaining committee to represent all police forces in the local municipalities to bargain with the Sudbury Police Board in the manner and for the purposes provided in the *Police Act*, and the Sudbury Police Board shall be the sole negotiating body to bargain with such committee. 1972, c. 104, s. 48 (2, 3). Joint bargaining committee
R.S.O. 1980,
c. 381

(4) Every person who becomes a member of the Sudbury Regional Police Force under subsection (1) shall, Terms of employment

- (a) be deemed to have elected to participate in the Ontario Municipal Employees Retirement System if he was a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment by the Sudbury Police Board and such member shall have such uninterrupted membership in the Ontario Municipal Employees Retirement System;
- (b) with the exception of civilian employees and assistants, be retired on the last day of the month in which the member attains the age of sixty years;
- (c) have credited to him in the Sudbury Regional Police Force the number of years of service that he had in the police force of or for the local municipality of which he was a member on the 31st day of December, 1972;
- (d) receive such sick leave credits and benefits in the sick leave credit plan which shall be established by the Sudbury Police Board as he had in the plan of the local municipality; and

- (e) not be assigned without his consent to serve on a permanent basis at a detachment in the Regional Area more than 32.18 kilometres distant from his former detachment headquarters, provided that he was a permanent member of the police force of a local municipality in the Regional Area before the 1st day of April, 1972. 1972, c. 104, s. 48 (5); 1973, c. 139, s. 7 (2); 1978, c. 87, s. 54 (1).

Civilian
employee
retirement

- (5) Every civilian employee and assistant of the Sudbury Regional Police Force shall be retired on the last day of the month in which he attains the age of sixty-five years. 1973, c. 139, s. 7 (3).

Application of
R.S.O. 1980,
c. 302, s. 100

- (6) Section 100 of the *Municipal Act* applies with necessary modifications to the Sudbury Police Board. 1972, c. 104, s. 48 (6).

Assumption
of buildings

- 42.**—(1) The Regional Council shall, before the 1st day of January, 1973, pass by-laws which shall be effective on such date assuming for the use of the Sudbury Police Board any such land or building that the Sudbury Police Board may require that is vested on the 1st day of July, 1972, in any local municipality or local board thereof, and at least 40 per cent of which is used on such date for the purposes of the police force of that municipality, and on the day any such by-law becomes effective the property designated therein vests in the Regional Corporation. 1972, c. 104, s. 49 (1).

Extension
of time

- (2) Notwithstanding subsection (1), a by-law for assuming any land or building mentioned in subsection (1), with the approval of the Municipal Board, may be passed after the 1st day of January, 1973, and in that case the by-law shall become effective on the date provided therein.

Building
not used
exclusively
for police
force

- (3) Where any part of a building mentioned in subsection (1) is used by the local municipality or a local board thereof for other than police purposes, the Regional Corporation may,

- (a) where practicable, assume only the part of the building and land appurtenant thereto used for the purposes of the police force of such municipality; or
- (b) vest the building and land appurtenant thereto in the Regional Corporation and enter into an agreement with such municipality or local board thereof for the use of

a part of the building by such municipality or local board on such terms and conditions as may be agreed upon.

(4) Where the Regional Corporation assumes any property under subsection (1) or (2), Regional Corporation liability

- (a) no compensation or damage shall be payable to the local municipality or local board except as provided in this subsection;
- (b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any property vested in the Regional Corporation; and
- (c) the Regional Corporation shall thereafter pay to the area municipality for the portion of any land or building vested in the Regional Corporation under this section that is not used for police purposes on the 1st day of July, 1972, such amount as may be agreed upon and failing agreement, the Municipal Board, upon application, may determine the amount, and its decision is final, provided such amount shall not be greater than the capital expenditure for such portion of such land or building less the amount of any outstanding debt in respect of such portion. 1972, c. 104, s. 49 (3-5).

(5) If the Regional Corporation fails to make any payment on or before the due date required by clause (4) (b), the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 70 (1). Default

(6) Where a building vested in a local municipality or local board is used partly by the police force of the municipality and is not vested in the Regional Corporation under this section, the area municipality at the request of the Sudbury Police Board on or after the 1st day of January, 1973, shall provide, at such rental as may be agreed upon, at least as much accommodation in such building for the use of the Sudbury Police Board as was being provided by the local municipality for its police force on the 1st day of July, 1972, and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final. Accommodation

(7) At the request of the Sudbury Police Board, each area municipality, for the use of the Sudbury Police Board, Office supplies, etc.

- (a) shall transfer to the Regional Corporation without compensation all personal property, including office supplies and stationery, in the possession of the area municipality on the 1st day of January, 1973, that was provided for the exclusive use of the police force of the area municipality; and
- (b) shall make available to the Regional Corporation all personal property the use of which was shared by the police force and any department or departments of the area municipality on the 1st day of January, 1973, on the same terms and to the same extent as the police force used the property before such date. 1972, c. 104, s. 49 (7, 8).

Signal system
transferred

(8) All signal and communication systems owned by any local municipality and used for the purposes of the police force of the municipality on the 1st day of July, 1972, or thereafter, are vested in the Regional Corporation for the use of the Sudbury Police Board on the 1st day of January, 1973, and no compensation shall be payable to the municipality therefor and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system, and, if the Regional Corporation fails to make any payment on or before such due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 70 (2).

Settling
of doubts

(9) In the event of any doubt as to whether,

- (a) any outstanding debt or portion thereof was incurred in respect of any property assumed; or
- (b) any land or building is used at least 40 per cent for the purposes of a police force,

the Municipal Board, upon application, may determine the matter and its decision is final. 1972, c. 104, s. 49 (10).

Property
to be
provided

43. The Regional Corporation shall provide all real and personal property necessary for the purposes of the Sudbury Police Board. 1972, c. 104, s. 50.

PART VIII

REGIONAL ROAD SYSTEM

44. In this Part,Interpre-
tation

- (a) "approved" means approved by the Minister or of a type approved by the Minister;
- (b) "construction" includes reconstruction;
- (c) "maintenance" includes repair;
- (d) "Minister" means the Minister of Transportation and Communications;
- (e) "Ministry" means the Ministry of Transportation and Communications;
- (f) "road authority" means a body having jurisdiction and control of a highway. 1972, c. 104, s. 52.

45.—(1) The Regional Council shall pass a by-law establishing a regional road system and designating the roads to be included therein as regional roads, and such by-law shall be submitted to the Minister not later than the 31st day of July, 1973.

By-law
establishing
regional
road system
by July 31,
1973

(2) Notwithstanding subsection (12), the by-law passed under subsection (1), as approved by the Lieutenant Governor in Council, shall be effective on the 1st day of January, 1974.

By-law
effective
Jan. 1, 1974

(3) In the event that the Regional Council does not pass a by-law as required by subsection (1) before the 1st day of August, 1973, the Lieutenant Governor in Council may establish the regional road system by designating the roads to form part thereof and the regional road system shall be deemed to have been established on and after the 1st day of January, 1974, or on and after such later date as the Lieutenant Governor in Council may determine.

Establish-
ment of
regional road
system by
Lieutenant
Governor

(4) The Regional Council may by by-law from time to time add roads to or remove roads from the regional road system, including such boundary line roads or portions thereof between the Regional Area and an adjoining municipality as may be agreed upon between the Regional Council and the council of the adjoining municipality.

Adding or
removing
roads by
by-law

Transfer of
provincial
highway to
Regional
Corporation

(5) The Lieutenant Governor in Council may transfer any highway under the jurisdiction and control of the Ministry within the Regional Area to the Regional Corporation and the highway shall for all purposes be deemed to be part of the regional road system on such date as is designated by the Lieutenant Governor in Council and to have been transferred under section 29 of the *Public Transportation and Highway Improvement Act*.

R.S.O. 1980,
c. 421

Vesting of
roads in
Regional
Corporation

(6) Where a road or part thereof forms part of the regional road system, jurisdiction and control and the soil and freehold thereof are vested in the Regional Corporation.

Removal of
roads from
regional road
system

(7) The Lieutenant Governor in Council may remove any road from the regional road system.

Roads
removed from
regional road
system

(8) Where a road or a part thereof is removed from the regional road system, except by reason of it being stopped-up pursuant to section 55, such road or part is thereupon transferred to and the jurisdiction and control and the soil and freehold thereof is thereupon vested in the area municipality in which it is situate, and the area municipality may sue upon any rights or under any agreements or by-laws in the same manner and to the same extent as the Regional Corporation in respect of such road. 1972, c. 104, s. 53 (1-8).

Status of
land acquired
for widening
regional road

(9) Notwithstanding subsection (12), where the Regional Corporation acquires land for the purpose of widening a regional road, the land so acquired, to the extent of the designated widening, forms part of the road and is included in the regional road system. 1972, c. 104, s. 53 (9); 1973, c. 139, s. 8.

Idem

(10) When land abutting on a regional road is dedicated for, or apparently for, widening the regional road, the land so dedicated is part of the regional road and the jurisdiction and control and the soil and freehold thereof are vested in the Regional Corporation subject to any rights in the soil reserved by the person who dedicated the land. 1972, c. 104, s. 53 (10).

Consolidating
by-law

(11) The Regional Council shall, from time to time, pass a by-law consolidating all by-laws relating to the regional road system. 1980, c. 33, s. 14.

Approval of
by-laws

(12) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant Governor in Council and the Lieutenant Governor in Council may approve the by-law in whole or in part and, where the by-law is approved in part only, it shall be in force and take effect only

so far as approved, but it shall not be necessary for the Regional Council to pass any further by-law amending the original by-law or repealing any part thereof that has not been approved, and every such by-law as approved is in force and has effect on and after the day named by the Lieutenant Governor in Council.

(13) The *Regulations Act* does not apply, to an order in council made under this section. 1972, c. 104, s. 53 (12, 13).

Application of
R.S.O. 1980,
c. 446

46. The Regional Council shall adopt a plan of road construction and maintenance, and from time to time thereafter shall adopt such other plans as may be necessary. 1972, c. 104, s. 54.

Plan of
construction
and main-
tenance

47. Where the Regional Corporation proposes the construction, improvement or alteration of a regional road, it shall furnish the Minister with such detailed information as he may require. 1972, c. 104, s. 55.

Furnishing of
information
to Minister

48. Where a contribution has been made from any source whatsoever towards an expenditure made under the provisions of section 89 of the *Public Transportation and Highway Improvement Act*, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs. 1972, c. 104, s. 56.

Contribution
toward
expenditures
R.S.O. 1980,
c. 421

49. The roads included in the regional road system shall be maintained and kept in repair by the Regional Corporation. 1972, c. 104, s. 57.

Maintenance
and repair

50. The Regional Corporation has, in respect of the roads included in the regional road system, all the rights, powers, benefits and advantages conferred, and is subject to all liabilities imposed, either by statute, by-law, contract or otherwise upon the corporation of the area municipality or the corporations of two or more area municipalities which had jurisdiction over the roads before they became part of the regional road system, and the Regional Corporation may sue upon such rights or under such contracts or by-laws in the same manner and to the same extent as the area municipality or municipalities might have done if the roads had not become part of the regional road system. 1972, c. 104, s. 58.

Powers over
roads
assumed

51.—(1) The Regional Corporation is not by reason of a road forming part of the regional road system under this Act liable for the construction or maintenance of sidewalks on any

Sidewalks
excepted

road or portion thereof in the regional road system, but the area municipality in which such sidewalks are located continues to be liable for the maintenance of such sidewalks and is responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 284 of the *Municipal Act* in respect of a sidewalk on a road over which a council has jurisdiction.

R.S.O. 1980,
c. 302

Area municipalities may construct sidewalks, etc.

(2) An area municipality may construct a sidewalk or other improvement or service on a regional road, and the Regional Corporation may contribute to the cost of such sidewalk, improvement or service, but no such work shall be undertaken by an area municipality without first obtaining the approval of the Regional Council, expressed by resolution.

How cost provided

(3) The cost of any such sidewalk, improvement or service constructed on a regional road may be met out of the general funds of the area municipality or the work may be undertaken in whole or in part as a local improvement under the *Local Improvement Act*.

R.S.O. 1980,
c. 250

Area municipalities to conform to requirements and be responsible for damages

(4) An area municipality when constructing such a sidewalk, improvement or service on a regional road shall conform to any requirements or conditions imposed by the Regional Council and is responsible for any injury or damage arising from the construction or presence of the sidewalk, improvement or service on the road.

R.S.O. 1980,
c. 421, s. 106
(4), not to apply

(5) Subsection 106 (4) of the *Public Transportation and Highway Improvement Act* does not apply to a sidewalk constructed on a regional road by the council of a township. 1972, c. 104, s. 59.

Installation of traffic control devices

52.—(1) The Regional Corporation may construct, install, maintain or remove any works on a highway, other than a road under the jurisdiction and control of the Ministry, including traffic control devices, for the purpose of altering or regulating the flow of traffic upon entering or leaving a road in the regional road system.

Relocation of intersecting roads

(2) The Regional Corporation may relocate, alter or divert any public road, other than a road under the jurisdiction and control of the Ministry, entering or touching upon or giving access to a road in the regional road system.

Idem

(3) Where, in relocating, altering or diverting a public road under subsection (2), the Regional Corporation constructs a new road in lieu of the public road, the Regional Corporation may close

the public road at the point of intersection with the regional road and may, by by-law, vest the new road and the soil and freehold and jurisdiction and control thereof in the area municipality in which it is situate.

(4) Where the Regional Corporation constructs a sidewalk, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality may contribute to the cost of such sidewalk, improvement or service and the work may be undertaken in whole or in part under the *Local Improvement Act*. 1972, c. 104, s. 60.

Construction of sidewalk, etc. on area municipality road

R.S.O. 1980, c. 250

53. Where a regional road intersects a road that is under the jurisdiction and control of an area municipality, the continuation of the regional road to its full width across the road so intersected is a part of the regional road system. 1972, c. 104, s. 61.

Intersection of other roads by regional roads

54. The Regional Council may pass by-laws for establishing and laying out new roads and for amending the by-law passed under section 45 by adding such new roads to the regional road system, and the provisions of the *Municipal Act* with respect to the establishment and laying out of highways by municipalities apply with necessary modifications. 1972, c. 104, s. 62.

New roads

55. With respect to the roads in the regional road system and the regulation of traffic thereon, the Regional Corporation has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation of a city by the *Municipal Act*, the *Highway Traffic Act* and any other Act with respect to highways. 1972, c. 104, s. 63.

Powers and liabilities of Regional Corporation

R.S.O. 1980, cc. 302, 198

56.—(1) The Regional Council may by by-law prohibit or regulate the placing or erecting of,

Erection of gasoline pumps and advertising device near regional road

- (a) any gasoline pump within forty-five metres of any limit of a regional road; and
- (b) any sign, notice or advertising device within 400 metres of any limit of a regional road. 1972, c. 104, s. 64 (1); 1978, c. 87, s. 54 (2).

(2) A by-law passed under this section may provide for the issuing of permits for the placing or erecting of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor. 1972, c. 104, s. 64 (2).

Permits

57.—(1) No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the

By-laws of area municipalities regulating traffic

regulation of parking, shall come into force until it has been approved by the Regional Council. 1972, c. 104, s. 65 (1); 1976, c. 43, s. 53 (1).

Regional Council may approve by-law in whole or in part

(2) A by-law submitted for approval of the Regional Council in compliance with subsection (1) may be approved in whole or in part and, where part of a by-law is approved only, that part only shall become operative.

Withdrawal of approval

(3) The Regional Council may withdraw its approval to any by-law or any part thereof by notice sent by registered mail to the clerk of the area municipality and such by-law or part thereof shall be deemed to be repealed twenty-one days after the sending of the notice. 1976, c. 43, s. 53 (2).

Signal-light devices

(4) All signal-light traffic control devices heretofore or hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the Regional Council, and the Regional Council may delegate any of its powers in respect of the operation of such devices to an officer of the Regional Corporation designated in the by-law.

Contribution toward cost of signal-lights

(5) The Regional Corporation may contribute toward the cost of the erection of signal-light traffic control devices erected by an area municipality. 1972, c. 104, s. 65 (2, 3).

Traffic control within thirty metres of regional roads
R.S.O. 1980, c. 198

(6) Subject to the *Highway Traffic Act*, the Regional Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of thirty metres on either side of the limit of a regional road, and, where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict. 1972, c. 104, s. 65 (4); 1978, c. 87, s. 54 (3).

Agreement for pedestrian walks

58. The Regional Council may by by-law authorize agreements between the Regional Corporation and the owners or lessees of land abutting on a highway for the construction, maintenance and use of walks for pedestrians over, across or under the highway upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof, and for leasing or licensing the use of untravelled portions of such walks and adjoining lands to persons for such considerations and upon such terms and conditions as may be agreed. 1972, c. 104, s. 66.

59.—(1) Sections 292 and 294 of the *Municipal Act* do not apply to a bridge or highway crossing or forming a boundary between the Regional Area and an adjoining municipality where such bridge or highway is included in the regional road system and in the road system of the municipality.

Disputes
as to
maintenance,
etc., of
bridges and
highways
R.S.O. 1980,
c. 302

(2) Where there is a difference between the Regional Council and the council of a municipality in respect of any such bridge or highway as to the corporation upon which the obligation rests for the constructing or maintaining of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the Regional Council and the council of the municipality are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the Regional Corporation or the corporation of the municipality.

Idem

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality and of the Regional Corporation, and shall at the time and place appointed, hear and determine all matters in difference between the municipalities in regard to such bridge or highway, and the Municipal Board may make such order with respect to the same as it may consider just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute toward the building and maintaining of such bridge or highway.

Hearing
by O.M.B.

(4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive.

Term of
order

60. Clause 261 (1) (b) of the *Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities, and the councils of the area municipalities on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system.

Boundary
bridges
between
area municipi-
alities

61. Section 276 of the *Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the Regional Area and an adjoining municipality, and the councils of the area municipality and the adjoining local municipality on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system. 1972, c. 104, s. 69.

Boundary
bridges
between
Regional
Area and
adjoining
municipality

Controlled-
access
roads

62.—(1) The Regional Council may by by-law designate any road in the regional road system, or any portion thereof, as a controlled-access road.

Closing
municipal
roads

(2) Subject to the approval of the Municipal Board, the Regional Council may by by-law close any municipal road that intersects or runs into a regional controlled-access road.

Notice of
application
for approval
for closing
roads

(3) The Municipal Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such time, in such manner and to such persons as the Municipal Board may determine, and may further direct that particulars of objections to the closing shall be filed with the Municipal Board and the Regional Corporation within such time as the Municipal Board shall direct.

Order of
O.M.B.

(4) Upon the hearing of the application for approval of the closing of a road, the Municipal Board may make such order as it considers proper refusing its approval or granting its approval upon such terms and conditions as it considers proper, and any order of the Municipal Board approving of the closing of a road may contain provisions,

- (a) determining the portion or portions of the road that shall be closed;
- (b) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and
- (c) providing for the doing of such other acts as in the circumstances it considers proper.

Closing
road

(5) Upon the approval of the Municipal Board being so obtained but subject to the provisions of the order of the Municipal Board made on the application for such approval, the Regional Corporation may do all such acts as may be necessary to close the road in respect of which the application is made.

Appeal

(6) The Regional Corporation, or any person including an area municipality, that has filed particulars of a claim or objection may, with leave of the Divisional Court, appeal to that court from any order made under subsection (4).

Time for
appeal

(7) Application for leave to appeal shall be made within thirty days after the date of the determination or order of the Municipal Board subject to the rules of the court as to vacations.

(8) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may consider just.

Leave to
appeal

(9) The practice and procedure as to the appeal and matters incidental thereto shall be in accordance with the rules of court, and the decision of the Divisional Court is final.

Practice and
procedure
on appeal

(10) Section 95 of the *Ontario Municipal Board Act* does not apply to an appeal under this section. 1972, c. 104, s. 70.

R.S.O. 1980,
c. 347, s. 95,
not to apply

63.—(1) The Regional Council may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a regional controlled-access road.

Private
roads, etc.,
opening
upon
controlled-
access roads

(2) The Regional Corporation may give notice to the owner of any land requiring him to close up any private road, entranceway, structure or facility constructed or used as a means of access to a regional controlled-access road in contravention of a by-law passed under subsection (1).

Notice

(3) Every notice given under subsection (2) shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail shall be deemed to have been received on the fifth day following the mailing thereof.

Service of
notice

(4) Where the person to whom notice is given under subsection (2) fails to comply with the notice within thirty days after its receipt, the Regional Council may by resolution direct any officer, employee or agent of the Regional Corporation to enter upon the land of such person and do or cause to be done whatever may be necessary to close up the private road, entranceway, structure or facility as required by the notice.

Failure to
comply with
notice

(5) Every person who fails to comply with a notice given under subsection (2) is guilty of an offence and on conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence.

Offence

(6) Where a notice given under subsection (2) has been complied with, no compensation is payable to the owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a regional controlled-

Compensa-
tion

access road designated under subsection 62 (1) was constructed or used, as the case may be,

- (a) before the day on which the by-law designating the road as a controlled-access road became effective; or
- (b) in compliance with a by-law passed under subsection (1), in which case the making of compensation is subject to any provisions of such by-law. 1972, c. 104, s. 71.

Regional
liability
where road
forms part
of system

64.—(1) Subject to subsection (2), no area municipality shall have any right to compensation or damages for any road forming part of the regional road system.

Idem

(2) Where a road forms part of the regional road system, the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under the *Local Improvement Act* is payable as the owners' share of a local improvement work. 1972, c. 104, s. 72 (1, 2).

R.S.O. 1980,
c. 250

Default

(3) Where the Regional Corporation fails to make any payment on or before the due date required by subsection (2), the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 71.

Settling
of doubts

(4) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the road forming part of the regional road system, the Municipal Board, upon application, may determine the matter and its decision is final. 1972, c. 104, s. 72 (4).

Stopping-up
highways

65.—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall so notify the Regional Corporation by registered mail.

Agreement

(2) If the Regional Council objects to such stopping-up, it shall notify the council of the area municipality by registered mail within sixty days of the receipt of the notice required under subsection (1) and the highway or part thereof shall not be stopped up except by agreement between the area municipality and the Regional Council and failing agree-

ment the Municipal Board, upon application, may determine the matter and its decision is final. 1972, c. 104, s. 73.

(3) No area municipality shall open up, establish or assume for public use any highway which intersects with or enters upon any highway in the regional road system, without the prior written approval of the Regional Corporation. 1973, c. 139, s. 9.

Approval
required to
intersect
regional
road

66. Sections 101, 103, 105, 108 and 111 of the *Public Transportation and Highway Improvement Act* apply with necessary modifications with respect to any road in the regional road system. 1972, c. 104, s. 75.

Application of
R S O 1980,
c. 421

PART IX

REGIONAL WASTE DISPOSAL

67.—(1) In this Part, “waste” includes ashes, garbage, refuse, domestic waste, industrial solid waste or municipal refuse and such other wastes as may be designated by by-laws passed by the Regional Council. 1972, c. 167, s. 7.

Interpre-
tation

(2) On and after the 1st day of January, 1973, the Regional Corporation shall provide facilities for the purpose of receiving, dumping and disposing of waste, and no area municipality shall provide such facilities. 1972, c. 104, s. 77 (2).

Receiving
and disposing
of waste by
Regional
Corporation

(3) For the purposes of subsection (2), the Regional Corporation may acquire and use land within the Regional Area and may erect, maintain and operate buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person for such purposes, and may prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon any such land, and may prescribe rates or charges for the use of such property, which rates or charges may relate to the volume, weight, or class of waste, or otherwise as the Regional Council considers appropriate in the circumstances, and all existing municipal facilities for such purposes vest in the Regional Corporation on the 1st day of January, 1973, without compensation. 1972, c. 104, s. 77 (3); 1974, c. 117, s. 30.

Waste
disposal sites

(4) The Regional Corporation shall pay to the corporation of any area municipality on or before the due date all amounts

Payments of
principal
and interest
to area
municipal-
ities

of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection (3). 1972, c. 104, s. 77 (4).

Default

(5) If the Regional Corporation fails to make any payment on or before the due date required by subsection (4), the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 72.

Application of
R.S.O. 1980,
c. 302, s. 210,
par. 84

(6) For the purposes of subsection (3), paragraph 84 of section 210 of the *Municipal Act* applies with necessary modifications. 1972, c. 104, s. 77 (6).

PART X

FINANCES

Interpre-
tation
R.S.O. 1980,
c. 31

68. In this Part, "rateable property" includes business and other assessment made under the *Assessment Act*. 1972, c. 104, s. 78 (1).

Investment
of money not
immediately
required

69.—(1) Section 169 of the *Municipal Act* applies with necessary modifications to the Regional Corporation. 1972, c. 104, s. 79.

Deemed
municipality
for purposes of
R.S.O. 1980,
c. 102

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of section 35 of the *Credit Unions and Caisses Populaires Act*. 1979, c. 81, s. 73.

YEARLY ESTIMATES AND LEVY

Yearly
estimates

70.—(1) The Regional Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the Regional Corporation, including the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Ministry may from time to time prescribe.

Allowance
to be made
in estimates

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and amount as the Ministry may approve.

(3) Section 33 of the *Assessment Act* and section 465 of the *Municipal Act* apply with necessary modifications to the Regional Corporation. 1972, c. 104, s. 80.

Application of
R.S.O. 1980,
cc. 31, 302

71.—(1) The Regional Council in each year shall levy against the area municipalities a sum sufficient,

Levy on
area municipalities

- (a) for payment of the estimated current annual expenditures as adopted; and
- (b) for payment of all debts of the Regional Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the Regional Corporation is liable under this Act. 1972, c. 104, s. 81 (1).

(2) The Regional Council shall ascertain and by by-law direct what portion, expressed in dollars and as a percentage, of the sum mentioned in subsection (1) shall be levied against and in each area municipality. 1980, c. 33, s. 15.

Apportionment

(3) Subject to subsection (10), all amounts levied under subsection (1) shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the Regional Area, according to the last revised assessment rolls.

Idem

(4) The Ministry of Revenue shall revise, equalize and weight the last revised assessment rolls of the area municipalities and, for the purpose of subsection (3), the last revised assessment rolls for the area municipalities as so revised, equalized and weighted by the Ministry of Revenue shall be deemed to be the last revised assessment rolls of the area municipalities.

Equalized
assessment

(5) Subsection (4) shall cease to apply on a date to be determined by order of the Minister.

When subs. (4)
ceases to
apply

(6) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment, the Ministry of Revenue shall notify the Regional Corporation and each of the area municipalities of the revised, equalized and weighted assessment of each area municipality.

Copy to
Regional
Corporation
and area
municipality

(7) If any area municipality is not satisfied with the assessment as revised, equalized and weighted by the Ministry of Revenue, the area municipality may appeal from the decision

Appeal

of the Ministry of Revenue by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised, equalized and weighted assessment was sent to the area municipality by the Ministry of Revenue.

Idem

(8) Every notice of revision, equalization and weighting made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision, equalization and weighting.

Amendment
of by-law
where
necessary
following
appeal

(9) Where the last revised assessment of the area municipality has been revised, equalized and weighted by the Ministry of Revenue and has been appealed, the Regional Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection (2) so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and,

- (a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the treasurer of the Regional Corporation; and
- (b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the treasurer of the Regional Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the treasurer of the Regional Corporation shall pay the amount of the decrease to the treasurer of the area municipality.

Fixed
assessments,
etc., not to
apply

R.S.O. 1980,
c. 31

(10) The apportionment of the levy among the area municipalities as provided for in subsections (2) and (3) shall be based on the full value of all rateable property, and, notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 22 of the *Assessment Act*, or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of the *Assessment Act*. 1972, c. 104, s. 81 (3-10).

Assessment
to include
valuations on
properties for
which pay-
ments in lieu
of taxes
paid

(11) The assessment upon which the levy among the area municipalities shall be apportioned shall include the valuations of all properties for which payments in lieu of taxes that include a payment in respect of regional levies are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or Ontario Hydro to any area municipality and the amount

by which the assessment of an area municipality shall be deemed to be increased by virtue of payments under section 160 of the *Municipal Act* and section 4 of the *Provincial Parks Municipal Tax Assistance Act*. 1972, c. 104, s. 81 (11); 1973, c. 57, s. 19.

R.S.O. 1980,
cc. 302, 402

(12) The clerk of an area municipality shall transmit to the Ministry of Revenue within fourteen days of a payment in lieu of taxes, a statement of the valuations of real property in the area municipality upon which such payment was made together with a statement showing the computations of such payment, and the Ministry of Revenue shall revise, equalize and weight the valuations, and shall thereupon notify the Regional Corporation and the appropriate area municipality of the revised, equalized and weighted valuations.

Valuation of
properties

(13) One by-law or several by-laws for making the levies may be passed as the Regional Council may consider expedient.

Levy by-laws

(14) Subject to subsections 36 (4), (5) and (6) of the *Assessment Act*, in each area municipality the regional levy shall be calculated and levied upon the whole rateable property rateable for such purpose within such area municipality according to the last revised assessment roll thereof.

Regional levy
R.S.O. 1980,
c. 31

(15) All moneys levied against an area municipality under the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the Regional Corporation and the treasurer of every area municipality shall pay the moneys so levied to the treasurer of the Regional Corporation at the times and in the amounts specified by the by-law of the Regional Council mentioned in subsection (2). 1972, c. 104, s. 81 (12-15).

Payment

(16) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 15 per cent per annum, or such lower rate as the Regional Council determines, from the date payment is due until it is made. 1979, c. 81, s. 74.

Default

72.—(1) Notwithstanding subsection 71 (3), where the Regional Council is of the opinion that a percentage share as determined by the application of subsection 71 (3) is not just and equitable, it may in the by-law passed under subsection 71 (2) make an apportionment for Regional purposes that is just and equitable, and such by-law shall have appended thereto as a schedule a statement of the apportionment, expressed in dollars and as a percentage, that would have been made among the area municipalities but for the application of this section.

Alternative
apportionment

Copy of
by-law to area
municipalities

(2) Where the Regional Council makes an apportionment under subsection (1), the clerk of the Regional Corporation shall within ten days forward a copy of the by-law to each area municipality.

Appeal to
O.M.B.

(3) An area municipality that is not satisfied with the apportionment provided for in subsection (1) may appeal to the Municipal Board within thirty days of the passing of the by-law by giving notice in writing, by registered mail, to the Municipal Board, the clerk of the Regional Municipality and every other area municipality.

Hearing by
O.M.B.

(4) Upon receipt of the notice of appeal under subsection (3), the Municipal Board shall arrange a time and place for hearing the appeal and shall send a notice thereof by registered mail to all parties concerned in the appeal at least fourteen days before the hearing and shall hear and dispose of the appeal.

Adjustments

(5) Where, as a result of a decision of the Municipal Board under subsection (4), there is an adjustment required to be made, the Regional Council shall forthwith amend the by-law passed under subsection 71 (2) so as to make the apportionment among the area municipalities according to the percentage shares as revised by the Municipal Board, and,

(a) where the share levied against an area municipality is thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the treasurer of the Regional Corporation; and

(b) where the share levied against an area municipality is thereby decreased, the treasurer of the area municipality shall be liable to pay the treasurer of the Regional Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the treasurer of the Regional Corporation shall pay the amount of the decrease to the treasurer of the area municipality.
1980, c. 33, s. 16.

Equalization
of
assessment
of merged
areas

73.—(1) The Ministry of Revenue shall revise, equalize and weight each part of the last revised assessment roll of the area municipalities that relates to a merged area and each such part of the last revised assessment roll of each of the area municipalities as revised, equalized and weighted is final and binding.

Notice

(2) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment in an area municipality under subsection (1), the Ministry of Revenue

shall notify the area municipality of the revised, equalized and weighted assessment.

(3) The net regional levy and the sums adopted in accordance with section 164 of the *Municipal Act* for all purposes, excluding school purposes, levied against the whole rateable property of an area municipality shall be apportioned among the merged areas of such area municipality in the proportion that the total equalized and weighted assessment of each merged area bears to the total equalized and weighted assessment of the area municipality both according to the last revised assessment roll as equalized and weighted by the Ministry of Revenue under subsection (1), and subsection 26 (9) of the *Assessment Act* shall not apply to any apportionment by an area municipality under this subsection.

Apportionment among merged areas
R.S.O. 1980,
cc. 302, 31

(4) The provisions of this section shall cease to apply on the date determined by the Minister under subsection 71 (5). 1972, c. 104, s. 82.

When provisions cease to apply

74.—(1) Notwithstanding section 71, the Regional Council may, before the adoption of estimates for the year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the Regional Council in the preceding year against that area municipality and subsections 71 (15) and (16) apply to such a levy.

Levy by Regional Council before estimates adopted

(2) The amount of any levy made under subsection (1) shall be deducted from the amount of the levy made under section 71.

Levy under s. 71 to be reduced

(3) Notwithstanding section 73, until the date determined by the Minister under subsection 71 (5), the council of an area municipality may in any year by by-law passed before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, before the adoption of the estimates, on the whole of the assessment for real property in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters

Levy by area municipality before estimates adopted

(4) Where the council of an area municipality has not provided for taking the assessment of business during the same year in which the rates of taxation thereon are to be levied, the council, notwithstanding section 73, until the date determined by the Minister under subsection 71 (5), may, by by-law passed before the adoption of the estimates for that year, levy in each of the merged areas in the area

Business assessment

municipality, before the adoption of the estimates, on the whole of the business assessment in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on business assessment of public school supporters.

Levy under
s. 73 to be
reduced:

(5) The amount of any levy under subsection (3) or (4) shall be deducted from the amount of the levy made under section 73.

Application of
R.S.O. 1980,
c. 302,
s. 159 (5)

(6) Subsection 159 (5) of the *Municipal Act* applies to levies made under this section.

R.S.O. 1980,
c. 302, s. 159,
not to apply

(7) Section 159 of the *Municipal Act* does not apply until the date determined by the Minister under subsection 71 (5). 1972, c. 104, s. 83 (2-8).

Rates under
R.S.O. 1980,
c. 129

75.—(1) For the purposes of levying taxes under Part IV of the *Education Act*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the area municipality shall be deemed to be the council of each such merged area.

Rates for
public school
purposes on
commercial
assessment

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of the application of section 222 of the *Education Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 73 (1).

Rates for
public school
purposes on
residential
assessment

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 222 of the *Education Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 73 (1).

Rates for
secondary
school
purposes on
commercial
assessment

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 222 of the *Education Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment

for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 73 (1).

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 222 of the *Education Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 73 (1).

Rates for secondary school purposes on residential assessment

(6) Notwithstanding subsections (2), (3), (4) and (5), where, in any year, a regulation is in force under section 214 of the *Education Act*, the apportionments referred to in the said subsections (2), (3), (4) and (5) shall be made in accordance with the regulation.

Regulations under R.S.O. 1980, c. 129 to apply

(7) The provisions of this section apply until the date determined by the Minister under subsection 71 (5). 1972, c. 104, s. 84.

Application of section

76. The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section. 1972, c. 104, s. 85.

Transitional adjustments

RESERVE FUNDS

77.—(1) Reserve funds established by local municipalities for purposes for which the Regional Council has authority to spend funds and for which the council of an area municipality has no authority to spend funds are reserve funds of the Regional Corporation and the assets of such reserve funds are vested in the Regional Corporation.

Reserve funds of municipalities

(2) Reserve funds established by local municipalities, other than divided municipalities, for purposes for which the councils of area municipalities have authority to spend funds and for which the Regional Council has no authority to spend funds are reserve funds of the area municipality of which the local municipality forms a part and the assets of such reserve funds are vested in such area municipality. 1972, c. 104, s. 89 (1, 2).

Idem

Reserve
funds,
establish-
ment

78.—(1) The Regional Council may in each year provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds. 1976, c. 70, s. 27 (1).

Investments
and income

(2) The moneys raised for a reserve fund established under subsection (1) shall be paid into a special account and may be invested in such securities as a trustee may invest in under the *Trustee Act*, and the earnings derived from the investment of such moneys form part of the reserve fund. 1972, c. 104, s. 90 (2).

R.S.O. 1980,
c. 512

Expenditure
of reserve
fund
moneys

(3) The moneys raised for a reserve fund established under subsection (1) shall not be expended, pledged or applied to any purpose other than that for which the fund was established, unless approved by the Regional Council. 1976, c. 70, s. 27 (2).

Auditor to
report on
reserve funds

(4) The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection (1). 1972, c. 104, s. 90 (4).

TEMPORARY LOANS

Current
borrowings

79.—(1) The Regional Council may by by-law, either before or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize the chairman and treasurer to borrow from time to time by way of promissory note such sums as the Regional Council considers necessary to meet, until the levies and other revenues are received, the current expenditures of the Regional Corporation for the year, including the amounts required for principal and interest falling due within the year upon any debt of the Regional Corporation and the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation.

Limit upon
borrowings

(2) The amount that may be borrowed at any one time for the purposes mentioned in subsection (1), together with any similar borrowings that have not been repaid, shall not, except with the approval of the Municipal Board, exceed 70 per cent of the uncollected balance of the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the year.

Temporary
application of
estimates of
preceding
year

(3) Until such estimates are adopted, the limitation upon borrowing prescribed by subsection (2) shall temporarily be

calculated upon the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the next preceding year.

(4) The lender is not bound to establish the necessity of borrowing the sum lent or to see to its application. Protection of lender

(5) Any promissory note made under the authority of this section shall be sealed with the seal of the Regional Corporation and signed by the chairman or by some other person authorized by by-law to sign it, and by the treasurer, and may be expressed so as to bear interest only upon such money as may be borrowed thereon from the time when such money is actually lent. 1972, c. 104, s. 91 (1-5). Execution of promissory notes

(6) The signature of the chairman or any other person authorized to sign promissory notes may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced. 1977, c. 34, s. 24. Idem

(7) The Regional Council may by by-law provide or authorize the chairman and treasurer to provide by agreement that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, be a charge upon the whole or any part or parts of the revenues of the Regional Corporation for the current year and for any preceding years as and when such revenues are received, provided that such charge does not defeat or affect and is subject to any prior charge then subsisting in favour of any other lender. Creation of charge

(8) Any agreement entered into under subsection (7) shall be sealed with the corporate seal and signed by the chairman and treasurer. Execution of agreements

(9) If the Regional Council authorizes the borrowing of or borrows any larger amount than is permitted under this section, every member who knowingly votes therefor is disqualified from holding any municipal office for two years. Penalties for excess borrowings

(10) If the Regional Council authorizes the application of any revenues of the Regional Corporation charged under the authority of this section otherwise than in repayment of the loan secured by such charge, the members who knowingly vote for such application are personally liable for the amount so Penalty for mis-application of revenues by Regional Council

applied, which may be recovered in any court of competent jurisdiction.

Penalty for mis-application of revenues by officials

(11) If any member of the Regional Council or officer of the Regional Corporation knowingly applies any revenues so charged otherwise than in repayment of the loan secured by such charge, he is personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Saving as to penalties

R.S.O. 1980,
c. 303

(12) Subsections (9), (10) and (11) do not apply to the Regional Council or any member of the Regional Council or officer of the Regional Corporation acting under an order or direction issued or made under the authority of the *Municipal Affairs Act*, nor do they apply in any case where application of the revenues of the Regional Corporation is made with the consent of the lender in whose favour a charge exists. 1972, c. 104, s. 91 (6-11).

DEBT

Debt

R.S.O. 1980,
c. 347

80.—(1) Subject to the limitations and restrictions in this Act and the *Ontario Municipal Board Act*, the Regional Council may borrow money for the purposes of,

(a) the Regional Corporation;

(b) any area municipality;

(c) the joint purposes of any two or more area municipalities,

whether under this or any general or special Act, and may issue debentures therefor on the credit of the Regional Corporation.

Liability

(2) All debentures issued pursuant to a by-law passed by the Regional Council under the authority of this Act are direct, joint and several obligations of the Regional Corporation and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities, but nothing in this subsection affects the rights of the Regional Corporation and of the area municipalities respectively as among themselves.

Limitation

(3) Notwithstanding any general or special Act, no area municipality has, after the 31st day of December, 1972, power to issue debentures.

Uncompleted works

(4) When an area municipality, prior to the 31st day of December, 1972,

- (a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 64 (1) of the *Ontario Municipal Board Act*; and

R.S.O. 1980,
c. 347

- (b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

the Regional Council, upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the Regional Corporation for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 82, and no further approval of the Municipal Board is required.

(5) Bonds, debentures and other evidences of indebtedness of the Regional Corporation shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of the *Trustee Act*, 1972, c. 104, s. 92.

Bonds,
debentures,
etc., trustee
investments

R.S.O. 1980,
c. 512

81.—(1) Subject to the limitations and restrictions in this Act and the *Ontario Municipal Board Act*, the Regional Corporation may by by-law incur a debt or issue debentures for the purposes set forth in subsection 80 (1) and, notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the Regional Area.

Power to
incur debt
or issue
debentures

(2) Where, under any general or special Act, an area municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the Regional Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence to the passing of the by-law by the Regional Council has been obtained.

Idem

(3) Nothing in subsection (2) requires the assent of any electors where such assent has been dispensed with under section 63 of the *Ontario Municipal Board Act*, 1972, c. 104, s. 93.

Proviso

R.S.O. 1980,
c. 347

82.—(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council pending

Borrowing
pending issue
and sale of
debentures

the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time for the purposes authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

Idem

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of the area municipality pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality. 1977, c. 34, s. 25 (1).

Interest on
proceeds
transferred

(3) The Regional Corporation may charge interest on any proceeds of an advance or loan transferred under subsection (2) at a rate sufficient to reimburse it for the cost of such advance or loan.

Application
of proceeds
of loan

(4) The proceeds of every advance or loan under this section shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to see to the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality, the balance, subject to section 96, shall be transferred to the area municipality.

Hypotheca-
tion not to
prevent sub-
sequent sale
of debentures

(5) Subject to subsection (4), the redemption of a debenture hypothecated does not prevent the subsequent sale thereof. 1972, c. 104, s. 94 (3-5).

Signature
of chairman,
etc., may be
mechanically
reproduced

(6) The signature of the chairman or any other person authorized to sign loan agreements may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on loan agreements made under this section and, if such loan agreement is countersigned in writing by the deputy treasurer or any other person authorized by by-law to counter-sign it, the signature of the treasurer thereon may be written,

stamped, lithographed, engraved or otherwise mechanically reproduced. 1977, c. 34, s. 25 (2).

83.—(1) Where the Regional Corporation has entered into an agreement under the *Ontario Water Resources Act* whereby the Regional Corporation is entitled to receive moneys from the Crown, the Regional Council, pending the receipt of such moneys may, in order to meet expenditures incurred in carrying out the agreement, agree with a bank or a person for temporary advances from time to time.

Temporary
borrowing
R.S.O. 1980,
c. 361

(2) The proceeds of every advance under this section shall be applied to the expenditures incurred in carrying out the agreement made by the Regional Corporation under the *Ontario Water Resources Act*, but the lender shall not be bound to see to the application of the proceeds and, when the Regional Corporation has received the moneys to which it is entitled from the Crown under the said agreement, such moneys shall be applied first in repayment of the advances. 1976, c. 43, s. 54.

Application
of proceeds

84.—(1) Subject to subsection (2), a money by-law for the issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest.

Principal
and interest
payments

(2) A money by-law for the issuing of debentures may provide that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case debentures issued under the by-law shall be known as sinking fund debentures.

Sinking
fund
debentures

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve.

When
debentures
to be
payable

(4) The by-law may provide for raising in each year, by special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each area municipality shall pay to the Regional Corporation such sums at the times and in the amounts specified in the by-law.

Special levy
against area
municipalities

(5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special

General levy

levy or levies against any area municipality or municipalities made especially liable therefor by the by-law.

Levy by
area muni-
cipalities

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection (4) may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection (4).

Instalment
debentures
and
debentures to
refund
existing
debentures
at maturity

(7) Notwithstanding subsection (5), the Regional Council may by by-law,

(a) authorize the borrowing of money by the issue of instalment debentures, the last instalment of which shall mature not earlier than ten years after the date upon which they are issued, and a specified sum of principal payable thereunder in the final year shall be raised by the issue of refunding debentures as provided in clause (b), and it shall not be necessary to raise by special rate in the year of maturity of the debentures to be refunded an amount equal to the specified principal amount of the debentures which are being refunded; and

(b) authorize the issue of debentures to refund at maturity outstanding debentures of the municipality, provided that the refunding debentures shall be payable within the maximum period of years that was approved by the order of the Municipal Board for the repayment of debentures issued for the debt for which the outstanding debentures were issued, commencing on the date of the debentures originally issued for such debt,

and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a special levy or levies against such area municipality or municipalities as may be specified in the by-law and such levy shall be levied against the same area municipality or municipalities in each case.

Levy

(8) Any special levy against an area municipality imposed by the by-law under the authority of subsection (7) may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection (7), and any levy imposed by a by-law under clause (7) (b) shall be levied by the area

municipality against the same persons or property as the levy imposed by the related by-law under clause (7) (a) was levied.

(9) All levies imposed by the by-law against an area municipality are a debt of the area municipality to the Regional Corporation.

Levies
a debt

(10) The Regional Council may by by-law authorize a change in the mode of issue of the debentures and may provide that the debentures be issued with coupons instead of in amounts of combined principal and interest or *vice versa*, and where any debentures issued under the by-law have been sold, pledged or hypothecated by the Regional Council upon again acquiring them or at the request of any holder of them, may cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year. 1972, c. 104, s. 95 (1-10).

By-law to
change mode
of issuing
debentures

(11) All the debentures shall be issued within two years after the passing of the by-laws unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the Regional Council it would be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law. 1972, c. 104, s. 95 (11); 1976, c. 43, s. 55 (1).

Debentures,
when to be
dated and
issued

(12) All the debentures shall bear the same date, except where they are issued in sets, in which case every debenture of the same set shall bear the same date.

Date of
debentures

(13) Notwithstanding the provisions of the by-law, the debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection (11) and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.

Idem

(14) The Municipal Board, on the application of the Regional Council, the council of any area municipality or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the

Extension
of time
for issue

debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

Application
after time
expired

(15) The extension may be made although the application is not made until after the expiration of the two years or of the time provided for the issue of the set.

Effective date

(16) Unless the by-law names a later day when it is to take effect, it takes effect on the day of its passing.

Consolidation

(17) Notwithstanding any general or special Act, the Regional Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor.

Consolidating
debenture
by-laws
R.S.O. 1980,
c. 302

(18) Section 145 of the *Municipal Act* applies with necessary modifications to the Regional Corporation.

Redemption
before
maturity

(19) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the Regional Corporation on any date prior to maturity, subject to the following provisions:

1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and the amount at which such debenture may be so redeemed.
2. The principal of every debenture that is so redeemable becomes due and payable on the date set for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of the principal thereof, the interest to the date set for redemption and any premium payable on redemption.
3. Notice of intention so to redeem shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.
4. At least thirty days prior to the date set for such redemption, notice of intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the Regional Area and in such other manner as the by-law may provide.

5. Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debentures issued under the by-law shall be called for such redemption in priority to any such debentures that have a later maturity date.
6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council in respect of the debenture so redeemed.

(20) The by-law may provide that the debentures to be ^{Currency} issued thereunder shall be expressed and be payable,

- (a) in lawful money of Canada and payable in Canada; or
- (b) in lawful money of the United States of America and payable in the United States of America; or
- (c) in lawful money of Great Britain and payable in Great Britain; or
- (d) subject to the prior approval of the Lieutenant Governor in Council, in a currency other than that of Canada, the United States of America or Great Britain.

(21) Where under the provisions of the by-law debentures ^{Annual rates} issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, or in any currency other than that of Canada, the Regional Council may in such by-law or in any amending by-law, in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in such year, provide that there shall be raised yearly an amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary.

(22) When sinking fund debentures are issued, the amount ^{Principal levies} of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding 5 per cent per annum, capitalized yearly, will be sufficient to

pay the principal of the debentures or any set of them, when and as it becomes due.

Consolidated
bank
accounts

(23) When sinking fund debentures are issued, the sinking fund committee shall keep one or more consolidated bank accounts in which,

(a) the treasurer of the Regional Corporation shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and

(b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments.

Sinking
fund
committee

(24) When sinking fund debentures are issued, there shall be a sinking fund committee that shall be composed of the treasurer of the Regional Corporation and two members appointed by the Regional Council, and the two appointed members may be paid, out of the current fund of the Regional Corporation, such annual remuneration as the Regional Council determines. 1972, c. 104, s. 95 (12-24).

Alternate
members

(25) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member and any such alternate member may be paid, out of the current fund of the Regional Corporation, such remuneration as the Regional Council determines. 1976, c. 70, s. 28.

Chairman

(26) The treasurer of the Regional Corporation shall be the chairman and treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer.

Security

(27) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, in such amount as the auditor of the Regional Corporation shall determine, and in other respects the provisions of section 94 of the *Municipal Act* apply with respect to such security.

R.S.O. 1980,
c. 302

Quorum

(28) Two members of the sinking fund committee are a quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee.

(29) All assets of the sinking funds, including all consolidated bank accounts, shall be under the sole control and management of the sinking fund committee. Control of sinking fund assets

(30) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all cheques on the consolidated bank accounts shall be signed by the chairman or acting chairman and one other member of the sinking fund committee. Withdrawals from bank accounts

(31) The sinking fund committee shall invest any moneys on deposit from time to time in the consolidated bank accounts and may at any time or times vary any investments. 1972, c. 104, s. 95 (26-31). Investments

(32) The moneys in the consolidated bank accounts shall be invested in one or more of the following forms, Idem

(a) in securities in which a trustee may invest under the *Trustee Act*;

R.S.O. 1980,
c. 512

(b) in debentures of the Regional Corporation;

(c) in temporary advances to the Regional Corporation pending the issue and sale of any debentures of the Regional Corporation;

(d) in temporary loans to the Regional Corporation for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made;

(e) in securities issued or unconditionally guaranteed as to principal and interest by the United States of America;

(f) in such other securities as are authorized by the Lieutenant Governor in Council. 1972, c. 104, s. 95 (32); 1976, c. 43, s. 55 (2).

(33) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be deposited with the Treasurer of Ontario. Deposit of securities with Treasurer of Ontario

(34) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under sub- Release of securities by Treasurer of Ontario

section (33) only upon the direction in writing of the sinking fund committee.

Sinking
fund
accounts

(35) All sinking fund debentures issued on the same date, payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws, shall be deemed one debt and be represented by one sinking fund account.

Earnings
credited to
sinking
fund account

(36) That proportion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments obtained by,

(a) multiplying the amount of all such earnings by the amount of the capitalized interest for that year under subsection (22) with respect to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account; and

(b) dividing the product obtained under clause (a) by the amount of all capitalized interest for that year under subsection (22) with respect to all principal raised up to and including such year for all outstanding sinking fund debentures,

shall be credited to the sinking fund account mentioned in clause (a).

Sinking
fund
requirements

(37) The treasurer of the Regional Corporation shall prepare and lay before the Regional Council in each year, before the annual regional levies are made, a statement showing the sums that the Regional Council will be required, by by-law, to raise for sinking funds in that year.

Offence

(38) If the treasurer of the Regional Corporation contravenes subsection (23) or (37), he is guilty of an offence and on conviction is liable to a fine of not more than \$250.

Failure
to levy

(39) If the Regional Council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the Regional Council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount.

Where
amount in
sinking
fund account
more than
sufficient to
pay debt

(40) Notwithstanding this or any other Act or by-law, if it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the

estimated earnings to be credited thereto under subsection (36) together with the levy required to be made by the by-law or by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of the debt represented by such sinking fund account when it matures, the Municipal Board, on the application of the sinking fund committee, the Regional Council or the council of an area municipality, may authorize the Regional Council or the council of an area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board.

(41) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the Regional Corporation or otherwise than is provided in this section. No diversion of sinking funds

(42) When there is a surplus in a sinking fund account, the Surplus sinking fund committee shall,

- (a) use the surplus to increase the amount at the credit of another sinking fund account; or
- (b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes,
 - (i) to retire unmatured debentures of the Regional Corporation or of an area municipality,
 - (ii) to reduce the next annual levy on account of principal and interest payable with respect to debentures of the Regional Corporation or of an area municipality,
 - (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause (a) or (b) for the purposes of the Regional Corporation or an area municipality in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

(43) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities, Deficit and surplus any deficit in the sinking fund account shall be provided by the

Regional Corporation out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection (42). 1972, c. 104, s. 95 (33-43).

Term
debentures

(44) A money by-law may authorize the issue of debentures of which a portion shall be payable on a fixed date with interest payable annually or semi-annually, in which case such debentures shall be known as term debentures.

Amounts to
be raised
annually

(45) In respect of the term debentures, the by-law shall provide for raising,

(a) in each year of the currency of the term debentures, a sum sufficient to pay the interest on the term debentures; and

(b) in each year of the currency of the term debentures in which no other debentures issued under the same by-law become due and payable, a specific amount to form a retirement fund for the term debentures which, with interest at a rate not to exceed 5 per cent per annum compounded yearly, will be sufficient to pay the principal of the term debentures at maturity.

Retirement
fund admin-
istration

(46) The retirement fund for the term debentures shall be administered by the sinking fund committee in all respects in the same manner as a sinking fund established under this section, and the provisions of subsections (23) to (43) of this section with respect to a sinking fund shall apply with necessary modifications to such retirement fund.

All debentures
rank equally

(47) Notwithstanding the provisions of any general or special Act or any differences in date of issue or maturity, every debenture issued shall rank concurrently and *pari passu* in respect of payment of principal and interest thereon with all other debentures of the Regional Corporation except as to the availability of any sinking funds applicable to any particular issue of debentures. 1976, c. 43, s. 55 (3).

Debentures
payable on a
fixed date
subject to the
annual
redemption
by lot of a
specified
principal
amount

85. Notwithstanding any provision of this Act,

(a) a money by-law of the Regional Council may provide that all or a portion of the debentures to be issued thereunder shall be payable on a fixed date, subject to the obligation of the Regional Corporation to redeem by lot annually on each anniversary of the date of such debentures a specified principal amount of such debentures upon payment by the Regional

Corporation of such principal amount plus accrued interest to the date of redemption and upon giving notice as provided in this section;

- (b) the principal amount of every debenture that is called for redemption shall become due and payable on the date set for the redemption thereof and, after such date, interest ceases to accrue thereon where provision is duly made by the Regional Corporation for the payment of the principal amount thereof; interest ceases to accrue on date set for redemption
- (c) the debentures to be redeemed on each anniversary of the date of such debentures shall be selected by lot by the treasurer of the Regional Corporation at a public meeting of the Regional Council and when redeemed shall be cancelled and shall not be reissued, provided always that the principal amount of the debentures to be redeemed in any year may be reduced by the principal amount of any debentures purchased by the Regional Corporation, at a price or prices not exceeding the principal amount thereof, and surrendered for cancellation on the date fixed for redemption; debentures to be redeemed may be purchased
- (d) notice of intention to redeem any debenture shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person, if any, in whose name the debenture may be registered at the address shown in the Debenture Registry Book; notice to redeem to be sent by mail
- (e) notice of intention to redeem any debenture shall be published at least thirty days prior to the date set for such redemption in such manner as the by-law may provide; notice to redeem to be published
- (f) where only a portion of the debentures issued under a by-law is payable on a fixed date, the obligation of the Regional Corporation to redeem by lot annually a specified principal amount of such debentures does not apply in any year in which an instalment of principal of the remaining debentures issued under such by-law becomes due and payable; and where only portion of debentures payable on fixed date
- (g) the aggregate amounts of principal and interest, or the amounts of principal, payable in each year during the currency of debentures issued under this section shall be approximately equal. 1976, c. 43, s. 56. annual amounts payable to be approximately equal

Application of
R.S.O. 1980,
c. 302,
s. 152 (1)

86.—(1) Subsection 152 (1) of the *Municipal Act* applies with necessary modifications to the Regional Council. 1976, c. 70, s. 29.

Hypotheca-
tion not a
sale under
this section

(2) For the purposes of this section, the hypothecation of debentures under section 82 shall not constitute a sale or other disposal thereof.

Consolidation
of debentures

(3) The Regional Council may by one by-law authorized under subsection (1) amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder.

Special
assessment
and levies

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council. 1972, c. 104, s. 96 (2-4).

Repeal of
by-law
when part
only of
money to be
raised

87.—(1) Where part only of a sum of money provided for by a by-law has been raised, the Regional Council may repeal the by-law as to any part of the residue, and as to a proportionate part of the amounts to be raised annually.

When to
take effect

(2) The repealing by-law shall recite the facts on which it is founded, shall provide that it shall take effect on the 31st day of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board. 1972, c. 104, s. 97.

Until debt
paid certain
by-laws
cannot be
repealed

88.—(1) Subject to section 87, after a debt has been contracted under a by-law, the Regional Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not alter any such by-law so as to diminish the amount to be raised annually, and shall not apply to any other purpose any money of the Regional Corporation that has been directed to be applied to such payment.

Application
of payments

(2) When the Regional Corporation, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding debentures issued by the area municipality, neither the council of the area municipality nor any officer

thereof shall apply any of the moneys so paid for any purpose other than the payment of the amounts of principal and interest so becoming due. 1972, c. 104, s. 98.

89. Any officer of the Regional Corporation whose duty it is to carry into effect any of the provisions of a money by-law of the Regional Corporation, who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on conviction is liable to a fine of not more than \$100. 1972, c. 104, s. 99.

Offence for neglect of officer to carry out by-law

90.—(1) Within four weeks after the passing of a money by-law, the clerk may register a duplicate original or a copy of it, certified under his hand and the seal of the Regional Corporation, in the appropriate land registry office.

Money by-laws may be registered

(2) Subject to section 61 of the *Ontario Municipal Board Act*, every by-law registered in accordance with subsection (1), or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under the *Drainage Act*, or the *Local Improvement Act*, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought, is registered in such land registry office within such period of three months or one month, as the case may be.

Application to quash registered by-law, when to be made
R.S.O. 1980,
cc. 347, 126,
250

(3) After the expiration of the period prescribed by subsection (2), if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms.

Time when by-law to be valid and binding

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection (2), but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, is, after the expiration of that period, valid and binding according to its terms.

Quashing part of by-law

(5) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered, and after such dismissal and the expiration of the period

Dismissal of application

prescribed by subsection (2), if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms.

Illegal
by-laws not
validated

(6) Nothing in this section makes valid a by-law passed without the assent of the electors of an area municipality as required by subsection 81 (2), or a by-law where it appears on the face of it that any of the provisions of subsection 84 (5) have not been substantially complied with.

Failure to
register

(7) Failure to register a by-law as prescribed by this section does not invalidate it. 1972, c. 104, s. 100.

Debentures,
how sealed
and executed

91.—(1) A debenture or other like instrument shall be sealed with the seal of the Regional Corporation, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection (3), shall be signed by the chairman, or by some other person authorized by by-law of the Regional Corporation to sign it, and by the treasurer.

Interest
coupons

(2) A debenture may have attached to it interest coupons that shall be signed by the treasurer and his signature may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the treasurer on the date the Regional Council authorized the execution of the debenture or on the date the debenture bears or at the time the debenture was issued and delivered.

Mechanical
reproduction
of signatures

(3) The signature of the chairman, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and if the debentures or other like instruments are countersigned in writing by a person authorized by by-law of the Regional Corporation to countersign, the signature of the treasurer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon.

Effect of
mechanical
reproduction

(4) The seal of the Regional Corporation when so engraved, lithographed, printed or otherwise mechanically reproduced has the same force and effect as if manually affixed and the signature of the chairman or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the treasurer when so engraved, lithographed, printed or otherwise mechanically reproduced

shall be deemed the signature of the chairman or other person so authorized to sign or of the treasurer, as the case may be, and is binding upon the Regional Corporation.

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signatures of the persons provided in this section if such persons had authority to sign and countersign as provided in this section either on the date the Regional Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered. 1972, c. 104, s. 101.

Sufficiency
of signatures

92. Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the Regional Corporation, the by-law and the debentures issued under it are valid and binding upon the Regional Corporation. 1972, c. 104, s. 102.

Debentures
on which
payment has
been made
for one year
to be valid

93.—(1) Where a debenture contains or has endorsed upon it a provision to the following effect:

Mode of
transfer
may be
prescribed

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the treasurer of this Corporation (or by such other person authorized by by-law of this Corporation to endorse such certificate of ownership), transferable except by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the

.....
.....
of

the treasurer (or such other persons so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book, to be called the Debenture Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person

Requirements
as to
endorsing
certificate of
ownership

last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the treasurer.

Transfer by
entry in
Debenture
Registry
Book

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in subsection (1), is transferable only by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors. 1972, c. 104, s. 103.

Registration
of debenture
as to principal
and interest

(4) A debenture may be registered as to both principal and interest in which case the interest thereon shall be paid by cheque and the debenture may be referred to as a fully registered debenture.

When
Debenture
Registry
Book may be
maintained
outside
Canada

(5) Where debentures are payable in a currency other than that of Canada, the Regional Council may provide that the Debenture Registry Book of the Regional Corporation in respect of such debentures be maintained outside Canada by a corporation or person other than the treasurer and may make such other provisions for the registration and transfer of such debentures as the Regional Council considers appropriate. 1976, c. 43, s. 57.

Replacement
of lost
debentures

94. Where a debenture is defaced, lost or destroyed, the Regional Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide. 1972, c. 104, s. 104.

Exchange of
debentures

95.—(1) On request of the holder of any debenture issued by the Regional Corporation, the treasurer of the Regional Corporation may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount.

On request
of sinking
fund
committee

(2) On the request of the sinking fund committee, the treasurer of the Regional Corporation may, as provided in this section, exchange debentures heretofore or hereafter issued by the Regional Corporation.

(3) Any new debenture mentioned in subsection (1) may be registered as to principal and interest but in all other respects shall be of the same force and effect as the debenture or debentures surrendered for exchange.

New
debentures of
same force
and effect as
debentures
surrendered

(4) The treasurer and auditor of the Regional Corporation shall cancel and destroy all debentures surrendered for exchange and shall certify in the Debenture Registry Book that they have been cancelled and destroyed and shall also enter in the Debenture Registry Book particulars of any new debenture issued in exchange. 1972, c. 104, s. 105.

Debentures
surrendered
for exchange
to be
cancelled

96.—(1) The moneys received by the Regional Corporation from the sale or hypothecation of any debentures to the extent that such moneys are required for the purposes for which the debentures were issued, and for the repayment of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes.

Application
of proceeds of
debentures

(2) None of the moneys received by the Regional Corporation from the sale or hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the Regional Corporation or an area municipality.

Idem

(3) Where on the sale of any debenture an amount is realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied,

Surplus

(a) if any such debentures are redeemable prior to maturity at the option of the Regional Corporation to redeem one or more of the debentures having the latest maturity date; or

(b) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or

(c) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

Deficiency

(4) Where on the sale of any debentures a deficiency in the amount required for the purpose or purposes for which the debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes. 1972, c. 104, s. 106.

Use of proceeds of sale of asset acquired from proceeds of sale of debentures

97. Where real or personal property acquired out of moneys received by the Regional Corporation from the sale or hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied as an excess in accordance with subsection 96 (3) or, with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures issued in respect of the property disposed of or sold. 1972, c. 104, s. 107.

Tenders for debentures

98. When the Regional Corporation intends to borrow money on debentures under this or any other Act, the Regional Council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par. 1972, c. 104, s. 108.

Accounts, how to be kept

99.—(1) The Regional Council shall,

- (a) keep a separate account of every debenture debt;
- (b) where the whole of a debenture debt is not payable in the current year, keep in respect thereof,
 - (i) an additional account for the interest, if any, and
 - (ii) an additional account for the sinking fund or the instalments of principal,

distinguished from all other accounts by a prefix designating the purpose for which the debenture debt was contracted; and

- (c) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

(2) The Regional Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt. 1972, c. 104, s. 109.

Consolidated
interest
account

100. If, in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of the principal. 1972, c. 104, s. 110.

Application
of surplus
money

101.—(1) If the Regional Council applies any money raised for a special purpose or collected for a sinking fund in paying current or other expenditure, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Liability of
members

(2) If the Regional Council, upon the request in writing of a ratepayer of any area municipality, refuses or neglects for one month to bring an action therefor, the action may be brought by any such ratepayer on behalf of himself and all other ratepayers in the Regional Area.

Action by
ratepayer

(3) The members who vote for such application are disqualified from holding any municipal office for two years. 1972, c. 104, s. 111.

Dis-
qualification

102. When, by or under the authority of this Act, the Regional Corporation is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the Regional Corporation may, with the approval of the Municipal Board,

Refinancing
of debentures

- (a) cancel all such debentures that have not been sold and issue new debentures of the Regional Corporation

in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board, for the purposes for which such debentures were issued;

- (b) arrange with the area municipality for the redemption of all such debentures as are redeemable and issue new debentures of the Regional Corporation to raise the moneys required for such redemption; and
- (c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the Regional Corporation to raise the money required to complete such purchase. 1972, c. 104, s. 112.

PART XI

GENERAL

Application of
R.S.O. 1980,
c. 302

103.—(1) Sections 5, 105, 106, 116, 121, subsection 165 (3), sections 190 and 205, paragraphs 3, 11, 12, 23, 24, 30, 50 and 54 of section 208, subparagraph iii of paragraph 62 and subparagraph ii of paragraph 125 of section 210, paragraph 10 of section 315 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation. 1979, c. 81, s. 75 (1).

Loans re
sewer and
water
connections

(2) Where the Regional Council passes a by-law under subsection 219 (1) of the *Municipal Act*, the council of any area municipality may exercise the powers contained in subsections (6), (7) and (8) of the said section, as if the by-law passed by the Regional Council had been passed by the council of such area municipality. 1974, c. 117, s. 31 (2).

Erections,
annexations
and amalga-
mations

(3) Sections 10 and 11 and, subject to subsection 2 (2), subsection 14 (2) of the *Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, within the Regional Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature. 1972, c. 104, s. 115 (3).

Development
agreements,
public trans-
portation
systems,
refuse
disposal,
enter-
tainment
expenses, etc.

(4) The Regional Corporation shall be considered to be a local municipality for the purposes of paragraph 58 of section 208, paragraphs 98 and 129 of section 210 and section 253 of the *Municipal Act*. 1976, c. 70, s. 30 (2).

(5) Notwithstanding any other provision in this Act, the Regional Council may pass by-laws authorizing the head of the department concerned to grant the approval required by subsection 51 (2), and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted. 1972, c. 104, s. 115 (6). Delegation of approval

(6) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 13 of the *Mortmain and Charitable Uses Act*. 1977, c. 34, s. 26 (2). Application of R.S.O. 1980, c. 297, s. 13

(7) The Regional Corporation shall be deemed to be, and to have always been, a municipality for the purposes of section 311 of the *Municipal Act*. 1979, c. 81, s. 75 (2). Deemed municipality for purposes of R.S.O. 1980, c. 302, s. 311

(8) Every by-law of a local municipality as it exists on the 31st day of December, 1972, shall remain in force in the area of the former local municipality on and after the 1st day of January, 1973, but may be amended or repealed by the council of an area municipality as it affects such area municipality. 1972, c. 104, s. 115 (8); 1973, c. 139, s. 11 (2). By-laws

(9) In the event that the Regional Corporation establishes a transportation system in accordance with the provisions of subsection (4), no area municipality shall operate such a system and all the assets and liabilities of any area municipality used for a public transportation system vest in the Regional Corporation on the day such regional transportation system is established, without compensation. 1972, c. 104, s. 115 (9). Vesting of transportation system assets in Regional Corporation

104.—(1) On and after the 1st day of January, 1974, paragraphs 81, 141, 145, 146, 154, 155 and 156 of section 210, paragraph 8 of subsection 230 (1) and paragraphs 3, 5, 8, 9, 10, 12 and 18 of section 232 of the *Municipal Act* apply with necessary modifications to the Regional Council and no council of an area municipality shall exercise any powers referred to in any such paragraphs. Application of R.S.O. 1980, c. 302

(2) Section 110 of the *Municipal Act* applies with necessary modifications to the Regional Corporation. Idem

(3) For the purposes of sections 45 and 46 of the *Ontario Water Resources Act*, the Regional Corporation shall be deemed to be a county and the area municipalities shall be deemed to be the local municipalities that form part of the county for municipal purposes and, for the purposes of sections 44 and 47 of the *Ontario Water Resources Act*, the Regional Corporation shall be deemed to be a municipality. Deemed municipality for R.S.O. 1980, c. 301

Deemed
municipality
for
R.S.O. 1980,
c. 266

(4) For the purposes of section 21 of the *Milk Act*, the Regional Corporation shall be deemed to be a municipality and no area municipality shall exercise any powers under the said section. 1973, c. 139, s. 12.

Emergency
measures,
civil defence

105.—(1) The Regional Council may pass by-laws,

- (a) for the establishment and maintenance of an emergency measures civil defence organization in the Regional Area; and
- (b) for providing moneys for emergency measures and civil defence, for the purposes of the emergency measures civil defence organization and for the cost of the operation of such organization, and for other similar work in the Regional Area,

and when a by-law passed under this subsection is in force in the Regional Area, any by-laws passed by the council of an area municipality under subclauses 209 (b) (ii) and (iii) of the *Municipal Act* have no effect.

R.S.O. 1980,
c. 302

Powers of
Regional
Council re
emergency
measures

(2) When a by-law passed under clause (1) (a) is in force, the Regional Council may pass by-laws,

- (a) with the consent of the area municipality or local board concerned, for appointing heads of departments and alternates to be members of or advisors to the emergency measures planning committee or any subcommittee thereof;
- (b) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their emergency functions;
- (c) for appointing members of the emergency measures planning committee or of any subcommittee thereof to be in charge of such departments or utilities throughout the Regional Area, as the by-law may provide, when an emergency has been proclaimed under the *War Measures Act* (Canada);
- (d) for acquiring alternative headquarters for the Regional Government outside the Regional Area;
- (e) for obtaining and distributing emergency materials, equipment and supplies; and

R.S.C. 1970,
c. W-2

- (f) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack. 1972, c. 104, s. 116 (1, 2).

106.—(1) The Regional Corporation may make expenditures for the purpose of diffusing information respecting the advantages of the regional municipality as an industrial, business, educational, residential or vacation centre. 1972, c. 104, s. 117; 1974, c. 117, s. 32 (1); 1976, c. 43, s. 59.

Expenditures
for diffusing
information

(2) Paragraph 50 of section 210 and paragraph 22 of section 208 of the *Municipal Act* apply with necessary modifications to the Regional Corporation and no area municipality shall exercise any such power, save and except in respect of those lands acquired or held by a local municipality on or before the 1st day of January, 1975.

Application of
R.S.O. 1980,
c. 302

(3) The Regional Corporation shall be deemed to have had the authority conferred under subsection (2) since the 1st day of January, 1974. 1974, c. 117, s. 32 (2).

Application

107. Where, in an action or by the settlement of a claim arising out of any injury to an employee including a member of the Sudbury Regional Police Force, or to any person considered an employee for the purposes of the *Workmen's Compensation Act*, the Regional Corporation recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the Regional Corporation may impose. 1972, c. 104, s. 119.

Payment of
damages
to employees

R.S.O. 1980,
c. 539

108.—(1) Where the Regional Council passes a resolution requesting a judge of the district court within the Regional Area or a judge of the district court of a district adjoining the Regional Area, to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the Regional Council, or an officer or employee of the Regional Corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the Regional Corporation, or to inquire into or concerning any matter connected with the good government of the Regional Corporation or the conduct of any part of its public business, including any business conducted by a local board of the Regional Corporation, the judge shall make the inquiry and for that purpose has all the powers that may be conferred on a commission under Part II of the *Public Inquiries Act*, and he shall, with all convenient speed, report to the Regional Council the result of the inquiry and the evidence taken.

Investigation
by district
judge of
charges of
malfeasance

R.S.O. 1980,
c. 411

Fees payable
to judge

R.S.O. 1980,
c. 223

(2) The judge shall be paid by the Regional Corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under the *Judicature Act*.

Engaging
counsel

(3) The Regional Council may engage and pay counsel to represent the Regional Corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the Regional Corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel.

Idem

(4) The judge may engage counsel and such other assistants and staff and incur such incidental expenses as he considers advisable for the proper conduct of the investigation or inquiry, and the Regional Corporation shall pay the costs thereof. 1972, c. 104, s. 120.

Commission
of inquiry

R.S.O. 1980,
c. 411

109.—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into any of the affairs of the Regional Corporation or a local board thereof, and any matter connected therewith, and the commission has all the powers that may be conferred on a commission under Part II of the *Public Inquiries Act*.

When
commission
may issue

(2) A commission may be recommended at the instance of the Ministry or upon the request in writing of not less than one-third of the members of the Regional Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein.

Expenses of
commission

(3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and are subject to such division between the Regional Corporation and the Province as the Lieutenant Governor in Council may direct. 1972, c. 104, s. 121.

Entry on
highways, etc.

110. The Regional Corporation for its purposes may enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor, but all such highways, lanes and other public communications shall be restored to their original condition without unnecessary delay. 1972, c. 104, s. 122.

Agreements
re services

111. The Regional Corporation and any area municipality may enter into agreements for the use within any part of the

Regional Area of the services of their respective officers, employees and equipment. 1972, c. 104, s. 123.

112.—(1) For the purposes of paragraph 9 of section 3 and section 26 of the *Assessment Act*, the Regional Corporation shall be deemed to be a municipality. Application of R.S.O. 1980, c. 31

(2) For the purposes of paragraph 9 of section 3 of the *Assessment Act*, where property belonging to the Regional Corporation is occupied by an area municipality or where property belonging to an area municipality is occupied by the Regional Corporation or another area municipality, the occupant shall not be considered to be a tenant or lessee, whether rent is paid for such occupation or not. Regional Corporation and area municipalities deemed not tenants

(3) In subsection (2), “Regional Corporation” and “area municipality” include a local board thereof. 1972, c. 104, s. 124. Interpretation

113.—(1) An execution against the Regional Corporation may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following: Execution against Regional Corporation

1. The sheriff shall deliver a copy of the writ and endorsement to the treasurer of the Regional Corporation, or leave such copy at the office or dwelling place of the treasurer, with a statement in writing of the sheriff's fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.
2. If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the Regional Council for general purposes are apportioned among the area municipalities, determine the portion of the amount mentioned in the statement that shall be levied against and in each area municipality.
3. The sheriff shall then in like manner as rates struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the execution, and in determining such amount he may make such addition to the same as the sheriff considers sufficient to cover its share of the interest up to the time when the rate will probably be available and his own fees and poundage.

4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality, and shall annex to the precept the roll of such rate and shall by the precept, after reciting the writ and that the Regional Corporation has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect to the general annual rates.
5. If, at the time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he shall add a column thereto, headed "Execution rate in A.B. vs. The Regional Municipality of Sudbury" (adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.
6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same, to the treasurer of the area municipality.

Function
of clerk,
collectors
and assessors

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be considered to be officers of the court out of which the writ issued, and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them. 1972, c. 104, s. 125.

Conditional
powers

114. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are considered necessary or advisable to carry out effectively the purposes of this Act. 1972, c. 104, s. 126.

Forms in both
English and
French
language

115.—(1) The Minister may by order prescribe an English and French language version of any form that is prescribed by this Act.

(2) The Regional Council may by by-law provide for the use of the version of the form prescribed by the Minister under subsection (1) in place of the corresponding form prescribed by this Act and, notwithstanding any other provision in this Act, where a by-law under this subsection is in force the version of the form provided for in the by-law shall be used in place of the corresponding form prescribed by this Act. 1979, c. 81, s. 76. Use of forms

116. The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails. 1972, c. 104, s. 127. Conflict with other Acts

117.—(1) The Regional Corporation or an area municipality or the Regional Corporation and one or more area municipalities, Municipal buildings

(a) may acquire land for the purpose of constructing municipal buildings; and

(b) may construct municipal buildings for the use of the Regional Corporation or the Regional Corporation and one or more area municipalities or any local board thereof.

(2) Section 125 of the *Municipal Act* applies with necessary modifications to any joint undertaking under this section. 1972, c. 104, s. 128. Application of R.S.O. 1980, c. 302, s. 125

118. The Regional Corporation shall appoint a Regional Fire Co-ordinator who shall be responsible for the establishment of an emergency fire service plan and program for the Regional Area, and the Regional Corporation is authorized to expend such sums as it considers necessary to implement such plan and program. 1972, c. 104, s. 130. Regional Fire Co-ordinator

119.—(1) Notwithstanding the other provisions of this Act, but subject to subsections (2) and (3), for the purposes of section 109 of the *Highway Traffic Act*, the areas in the Regional Area that, on the 31st day of December, 1972, formed part of a town or township municipality shall be considered to continue to form part of a town or township municipality. Existing speed limits continued R.S.O. 1980, c. 198

(2) Notwithstanding subsection (1), the Regional Council and the council of each area municipality may exercise any of its powers under section 109 of the *Highway Traffic Act* in respect of highways under its jurisdiction and control. By-laws of Regional Council and area councils

Existing
speed limits
continued
R.S.O. 1980,
c. 198

(3) Every by-law passed by the council of a municipality under any provision of section 109 of the *Highway Traffic Act* that applied, on the 31st day of December, 1972, to any highway or portion thereof within the Regional Area shall continue to apply thereto until a by-law passed by the Regional Council or the council of an area municipality under such section 109 applies thereto. 1972, c. 104, s. 131.

Application of
R.S.O. 1980,
c. 384, s. 107

120.—(1) On and after the 1st day of January, 1973, no area municipality shall be required to comply with section 107 of the *Power Corporation Act*.

Distribution
of electrical
power

(2) Where, on the 31st day of December, 1972, The Hydro-Electric Power Commission of Ontario or a public utilities commission or a hydro-electric commission is supplying electrical power and energy in any area within the Regional Area, such commission shall continue until a date to be determined by the Minister, to distribute and sell power within such area and such commission shall be deemed to be a local board of the area municipality in which it has jurisdiction.

Members of
commission
continue in
office

(3) The members of a public utilities commission or a hydro-electric commission referred to in subsection (2), including *ex officio* members, who hold office on the 30th day of June, 1972, shall continue to hold office until a date to be determined by the Minister and, in addition to such members, the mayor elected for the area municipality in which such a commission operates shall also be a member of such commission.

Commissions
dissolved

(4) All public utilities commissions and waterworks commissions within the Regional Area, except those referred to in subsection (2), are dissolved on the 1st day of January, 1973.

Members of
commission
not
disqualified
as members
of Council

(5) A person who is a member of a commission referred to in this section not disqualified to be elected a member of the Regional Council or the council of an area municipality or to sit or vote therein by reason of being a member of such commission. 1972, c. 104, s. 132.

Acquiring
land for
parks, etc.

121.—(1) The Regional Council may pass by-laws for acquiring land for and establishing, laying out and improving and maintaining public parks, zoological gardens, recreation areas, squares, avenues, boulevards and drives in the Regional Area and for exercising all or any of the powers that are conferred on boards of park management by the *Public Parks Act*.

R.S.O. 1980,
c. 417

(2) In addition to the powers that may be exercised under subsection (1), the Regional Council has power to let from year to year, or for any time not exceeding ten years, the right to sell, subject to the *Liquor Licence Act*, and the regulations made thereunder, spirituous, fermented or intoxicating liquors within regional parks under such regulations as the Regional Council may prescribe.

Sale of spirituous, etc., liquors in parks

R.S.O. 1980, c. 244

(3) Paragraph 53 of section 208 of the *Municipal Act* applies with necessary modifications to the Regional Corporation.

Application of R.S.O. 1980, c. 302

(4) The Regional Corporation shall be deemed to be a municipality for the purposes of the *Parks Assistance Act* and the *Community Recreation Centres Act*.

Regional Corporation a municipality under R.S.O. 1980, cc. 367, 80

(5) Where, under an agreement with any conservation authority, lands vested in the conservation authority are managed and controlled by the Regional Corporation, the Regional Corporation may,

Park lands owned by conservation authority

(a) exercise all or any of the powers conferred on it under subsection (1) in respect of such lands;

(b) lay out, construct and maintain roads on such lands and, with the consent of the area municipality in which such lands, or any part thereof, are situate, assume the maintenance of existing roads on such lands, or any part thereof;

(c) subject to the *Highway Traffic Act*, regulate traffic on such roads and prescribe the rate of speed for motor vehicles driven on such roads in accordance with subsection 109 (3) of the *Highway Traffic Act*.

R.S.O. 1980, c. 198

(6) The Regional Council may agree to pay annually to the area municipality in which any land used for the purposes set out in subsection (1) is situate a sum not exceeding the amount that would have been payable to the municipality as taxes if the land were not exempt from taxation. 1973, c. 139, s. 13.

Payment in lieu of taxes

122.—(1) The Minister may by order, on the request of any area municipality, dissolve any board of a community recreation centre or board of recreation or park management of the area municipality and transfer the assets and liabilities of such board to the area municipality and may deem the council of the area municipality to be a recreation committee under the *Ministry of Culture and Recreation Act* and the regulations thereunder and a board of a community recreation centre under the *Community Recreation Centres Act*.

Recreation and parks management board

R.S.O. 1980, c. 276

Public library
boards
R.S.O. 1980,
c. 414

(2) Notwithstanding the provisions of the *Public Libraries Act*, the Minister may by order provide for the establishment of a public library board in any area municipality and for the transfer of any assets and liabilities of any former public library board to such new board. 1972, c. 104, s. 133.

Election
R.S.O. 1980,
c. 129

123. Section 59 of the *Education Act* applies to the election of the members of The Sudbury Board of Education and section 113 of the *Education Act* applies to the election of the members of The Sudbury District Roman Catholic Separate School Board. 1972, c. 104, s. 134, *revised*.

Statute
labour
boards
dissolved

124.—(1) Every statute labour board that has jurisdiction in the Regional Area is dissolved on the 1st day of January, 1973, and all the assets and liabilities of such board become, on such date, assets and liabilities of the area municipality in which such board had jurisdiction.

Local roads
boards
dissolved

(2) Where an established local roads area is entirely within the Regional Area, such local roads area and board thereof are dissolved on the 1st day of January, 1973, and all the assets and liabilities of such board become, on such date, assets and liabilities of the area municipality in which such local roads area was established.

Removal of
part of local
roads area

(3) Where part of an established local roads area is within the Regional Area such part is removed from the local roads area on the 1st day of January, 1973.

Taxes and
penalties

(4) All taxes and penalties assessed by a local roads board or statute labour board against any land in the Regional Area which are due and unpaid on the 1st day of January, 1973, shall be deemed on such date to be taxes and penalties due and payable upon such land to the area municipality in which such land is situate, and the collector of the area municipality shall enter such taxes and penalties in the collector's roll and may collect them in the same manner as if such taxes had been levied and penalties imposed by the area municipality, and the collector shall forthwith notify the owner or his agent as shown on the register of such board that the taxes and penalties are due and payable to the area municipality.

Credits of
local roads
boards

R.S.O. 1980,
c. 251

(5) Where a local roads area and board thereof are dissolved under subsection (2), all moneys standing to the credit of such a board under section 31 of the *Local Roads Boards Act* in relation to tax moneys received by the secretary-treasurer of such a board up to the 1st day of January, 1973, shall be paid over by the Treasurer of Ontario to the area municipality in

which the local roads area was established. 1972, c. 104, s. 136 (1-5).

125. The council of The Corporation of the City of Sudbury may pass any by-law that a board of commissioners of police of a city is authorized to pass under the *Municipal Act*. 1972, c. 104, s. 137.

Power of
Sudbury
council to
pass by-laws
R.S.O. 1980,
c. 302

126. An area municipality may enter into an agreement with the Land Tax Collector appointed under the *Provincial Land Tax Act* respecting the collection by the area municipality of arrears of land tax imposed under that Act in respect of property within such area municipality. 1972, c. 104, s. 138.

Agreements
re collection
of tax
arrears under
R.S.O. 1980,
c. 399

FORM 1

(Section 8 (4))

OATH OF ALLEGIANCE

I,, having been elected (or appointed) as chairman of the council of The Regional Municipality of Sudbury, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (or the reigning sovereign for the time being).

Sworn before me, etc.

1972, c. 104, Form 1.

FORM 2

(Section 8 (4))

DECLARATION OF QUALIFICATION BY CHAIRMAN

I,, having been elected (or appointed) as chairman of the council of The Regional Municipality of Sudbury declare that:

1. I am a British subject and am not a citizen or a subject of any foreign country.
2. I am of the full age of eighteen years.
3. I am not an officer, employee or servant of any area municipality or any local board of any area municipality.
4. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

Declared before me, etc.

1972, c. 104, Form 2; 1973, c. 139, s. 14.

CHAPTER 442

Regional Municipality of Waterloo Act

INTERPRETATION

1. In this Act,

Interpre-
tation

- (a) “area municipality” means the municipality or corporation of the City of Cambridge, the City of Kitchener, the City of Waterloo, the Township of North Dumfries, the Township of Wilmot, the Township of Wellesley and the Township of Woolwich, all as constituted by section 2;
- (b) “bridge” means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) “chairman” means the chairman of the Regional Council;
- (d) “debt” includes any obligation for the payment of money;
- (e) “divided municipality” means a local municipality parts of which are annexed to two or more municipalities under subsection 2 (1);
- (f) “highway” and “road” mean a common and public highway or any part thereof, and include a street, bridge, and any other structure incidental thereto or any part thereof;
- (g) “land” includes lands, tenements and hereditaments, and any estate or interest therein, and any right or easement affecting them, and land covered with water, and includes any buildings or improvements on land;
- (h) “local board” means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any

power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the Regional Corporation or of an area municipality or of two or more area municipalities or parts thereof;

- (i) "merged area" means a local municipality that is amalgamated with another local municipality or a part of a local municipality that is annexed to a local municipality to constitute an area municipality under subsection 2 (1) or the local municipality to which such part is annexed;
- (j) "Minister" means the Minister of Intergovernmental Affairs;
- (k) "Ministry" means the Ministry of Intergovernmental Affairs;
- (l) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money, other than a by-law passed under section 126;
- (m) "Municipal Board" means the Ontario Municipal Board;
- (n) "Regional Area",
 - (i) until the 1st day of January, 1973, means the area included within the County of Waterloo together with that portion of the Township of Beverly included in the area municipality of the Township of North Dumfries as defined in clause 2 (1) (c), and
 - (ii) on and after the 1st day of January, 1973, means the area from time to time included within the area municipalities;
- (o) "Regional Corporation" means The Regional Municipality of Waterloo;
- (p) "Regional Council" means the council of the Regional Corporation;
- (q) "regional road" means a road forming part of the regional road system established under Part V;
- (r) "roadway" means that part of the highway designed or intended for use by vehicular traffic. 1972, c. 105, s. 1; 1973, c. 137, s. 1; O. Reg. 539/72.

PART I

AREA MUNICIPALITIES

2.—(1) On the 1st day of January, 1973,Constitution
of area
municipalities

- (a) The Corporation of the City of Galt, The Corporation of the Town of Hespeler and The Corporation of the Town of Preston are amalgamated as a city municipality bearing the name of The Corporation of the City of Cambridge and the portions of the Township of North Dumfries and the Township of Waterloo described as follows are annexed to such city:

FIRSTLY, part of the Township of North Dumfries, commencing at a point in the northerly limit of Proposed King's Highway Number 8 as shown on Deposited Plan No. 914 where it is intersected by the southerly boundary of the City of Galt;

THENCE easterly along the northerly limit of the said Highway Number 8 to the northeasterly limit of the King's Highway Number 8 as shown on Deposited Plan No. 807;

THENCE southeasterly along the northeasterly limit of the last mentioned Highway Number 8 to the eastern boundary of the Township of North Dumfries;

THENCE northerly along the eastern boundary of the said Township of North Dumfries to the northeast angle thereof, the said angle being an angle in the City of Galt;

THENCE following the boundaries between the Township of North Dumfries and the City of Galt to the point of commencement;

SECONDLY, part of the Township of North Dumfries, commencing at a point in the westerly boundary of the City of Galt where it is intersected by the northerly limit of the King's Highway Number 97, being also known as Cedar Street;

THENCE northerly and westerly following the boundaries between the Township of North Dumfries and the City of Galt to the easterly limit of Proposed King's Highway Number 8 as shown on Deposited Plan No. 914;

THENCE southerly along the easterly limit of the said Highway Number 8 to the boundary between the Township of North Dumfries and the City of Galt;

THENCE easterly and northerly along the last mentioned boundary to the point of commencement;

THIRDLY, part of the Township of North Dumfries, commencing at a point in the westerly boundary of the City of Galt where it is intersected by the easterly limit of Proposed King's Highway Number 8 as shown on Deposited Plan No. 914, the said point being the easterly limit of Lot 17 in Concession XII of the Township of North Dumfries;

THENCE southerly along the easterly limit of Highway Number 8, as defined, to the boundary between the Township of North Dumfries and the City of Galt, the said boundary being the south limit of the Blenheim Road;

THENCE easterly and northerly following the boundaries of the City of Galt to the point of commencement;

FOURTHLY, part of the Township of Waterloo, commencing at a point in the easterly boundary of the Township of Waterloo where it is intersected by the northerly limit of County Road Number 31;

THENCE westerly along the northerly limit of the said County Road Number 31 to the easterly limit of County Road Number 17;

THENCE northerly along the easterly limit of the said County Road Number 17 to the southerly limit of Lot 111 in Beasley's Upper Block or German Company Tract of the Township of Waterloo;

THENCE westerly along the south limit of the said Lot 111 to the southwest angle of the said Lot 111;

THENCE northerly along the west limit of the said Lot 111 and its prolongation to the middle of the main channel of the Grand River;

THENCE in a general southwesterly direction along the middle of the main channel of the Grand River to the northeasterly limit of the right of way of the Grand River Railway;

THENCE southeasterly following the northeasterly limit of the last-mentioned railway right of way to the northerly prolongation of the westerly limit of lands of the Grand River Railway as described in Registered Instrument Number 16021;

THENCE southerly to and along the westerly limit of the said railway lands to the southern limit of the said lands;

THENCE westerly along the prolongation of the said railway lands to the northeast angle of Deposited Plan No. 604;

THENCE southerly, easterly and southerly along the east limits of the said Deposited Plan and Registered Instrument Number 196391, as shown on said Plan, and the said limit produced to intersect the southerly limit of the King's Highway Number 401;

THENCE easterly along the southerly limit of the said Highway Number 401, being along the northerly boundaries of the Town of Preston and the City of Galt to the easterly boundary of the Township of Waterloo;

THENCE northerly along the easterly boundary of the Township of Waterloo to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the corporation boundary of the Town of Hespeler;

- (b) The Corporation of the City of Kitchener and The Corporation of the Village of Bridgeport are amalgamated as a city municipality bearing the name of The Corporation of the City of Kitchener, and the portion of the City of Waterloo and the portions of the Township of Waterloo, described as follows, are annexed to such city;

FIRSTLY, part of the City of Waterloo, commencing at a point in the boundary between the City of Waterloo and the Village of Bridgeport where the said point is intersected by the easterly limit of the King's Highway Number 85;

THENCE northerly along the easterly limit of the said Highway to the intersection of the westerly prolongation of the northerly boundary of the Village of Bridgeport;

THENCE easterly along the said prolongation to the northwesterly angle of the said Village of Bridgeport;

THENCE southerly, westerly and southerly along the boundaries between the City of Waterloo and the Village of Bridgeport to the point of commencement;

SECONDLY, part of the Township of Waterloo, commencing at an angle in the boundary of the City of Kitchener, the said angle being at the intersection of the northerly limit of the King's Highway Number 401 and the middle of the main channel of the Grand River;

THENCE northwesterly and northeasterly along the middle of the main channel of the said Grand River, being along the boundary between the Township of Waterloo and the City of Kitchener, to the northeasterly limit of the right of way of the Grand River Railway;

THENCE southeasterly following the northeasterly limit of the last mentioned railway right of way to the northerly prolongation of the westerly limit of lands of the Grand River Railway as in Registered Instrument Number 16021;

THENCE southerly to and along the westerly limit of the said railway lands to the southern limit of the said lands;

THENCE westerly along the prolongation of the said railway lands to the northeast angle of Deposited Plan No. 604;

THENCE southerly, easterly and southerly along the east limits of the said Deposited Plan and Registered Instrument Number 196391, as shown on said Plan, and the said limit produced to intersect the southerly limit of the King's Highway Number 401;

THENCE southwestly along the southeasterly limit of the said Highway Number 401, being along the boundary between the Township of Waterloo and the Town of Preston, to the south boundary of the said Township of Waterloo;

THENCE westerly along the south boundary of the said Township of Waterloo to the southwest angle thereof;

THENCE northerly along the westerly boundaries of the Township of Waterloo to the intersection of the line between lots 39 and 40 of the German Company Tract of the said Township of Waterloo;

THENCE easterly along the line between the said lots to the westerly boundary of the City of Kitchener;

THENCE southeasterly along the boundaries between the Township of Waterloo and the City of Kitchener to the point of commencement;

THIRDLY, part of the Township of Waterloo, commencing at a point in the boundary of the City of Kitchener, the said point being intersected by the middle of the main channel of the Grand River and the northeasterly limit of the right of way of the Grand River Railway;

THENCE in a general northerly direction along the middle of the main channel of the said Grand River to the southerly prolongation of the limit between the lands of A. E. Pequegnat described in Registered Instrument Number 23760 and the lands of Asphalt and Bituminous Supplies Limited as described in Registered Instrument Number 239161;

THENCE northerly to and along the above mentioned limit between lands and the northerly prolongation thereof to the northerly limit of the Township Road Number 38;

THENCE northerly in a straight line to the southeasterly angle of the Village of Bridgeport;

THENCE westerly along the boundaries between the Township of Waterloo and the Village of Bridgeport to the boundary of the City of Kitchener;

THENCE southerly along the easterly boundaries of the said City to the point of commencement;

FOURTHLY, part of the Township of Waterloo, commencing at a point in the north boundary of the Village of Bridgeport where it is intersected by the east limit of the lands of J. and I. Schnarr, described in Registered Instrument Number 45102;

THENCE northerly along the last mentioned lands and the same produced northerly to the northern limit of County Road Number 29;

THENCE westerly along the north limit of the said County Road to the east limit of the lands of S. and S. Van Kruistum, described in Registered Instrument Number 219481;

THENCE northerly along the east limit of the last mentioned lands to northeast angle thereof;

THENCE westerly along the north limit of the last mentioned lands to the northwest angle of the said lands being also an angle of lands of E. and V. Kraft, described in Registered Instrument Number 38930;

THENCE northerly along the west limit of the last mentioned lands to the northeast angle of the lands of C. Kraft, described in Registered Instrument Number 39197;

THENCE westerly along the north limit of the last mentioned lands and the same prolonged to the middle of the main channel of the Grand River;

THENCE northerly, northeasterly, northerly, northwesterly and westerly following the middle of the main channel of the Grand River to the northerly prolongation of the westerly limit of the lands of the City of Kitchener described in Registered Instrument Number 209579;

THENCE southerly along the last mentioned lands to the northerly limit of a 25 foot right of way described in Registered Instrument Number 129175;

THENCE westerly and southwesterly along the last mentioned 25 foot right of way to the easterly limit of Township Road Number 47;

THENCE southerly and southwesterly along the east and southeast limit of the said Township Road to the north boundary of the Village of Bridgeport;

THENCE following the boundaries between the Township of Waterloo and the Village of Bridgeport to the point of commencement;

- (c) The portions of the townships of Beverly and North Dumfries, described as follows, are annexed to The Corporation of the Village of Ayr to establish a township municipality bearing the name of The Corporation of the Township of North Dumfries:

FIRSTLY, part of the Township of Beverly, commencing at a point in the west boundary of the Township of Beverly at the intersection of the prolongation of the line between the north and south halves of Lot G of the said Township;

THENCE easterly to and along the line between the north and south halves of the said Lot G and along the line between the north and south halves of lots 1 to 11, both inclusive, in Concession VII of the said Township of Beverly to the line between lots 11 and 12 in the said Concession VII;

THENCE northerly along the line between lots 11 and 12 in concessions VII, VIII, IX, X and its extension northerly, to the northerly boundary of the said Township of Beverly;

THENCE westerly along the northerly boundary of the Township of Beverly to the northwest angle thereof;

THENCE south along the west boundary of the said Township of Beverly to the point of commencement;

SECONDLY, part of the Township of North Dumfries, commencing at the northwest angle of the Township of North Dumfries;

THENCE easterly along the north boundary of the Township of North Dumfries to the southwest angle of the Town of Preston;

THENCE continuing easterly along the boundaries between the Township of North Dumfries and the Town of Preston to an angle in the City of Galt;

THENCE southerly, westerly and southerly along the boundaries between the Township of North Dumfries and the City of Galt to the intersection of the easterly limit of Lot 17 in Concession XII of the Township of North Dumfries with the east limit of Proposed King's Highway Number 8 as shown on Deposited Plan No. 914;

THENCE southerly along the easterly limit of the said Highway Number 8 to the boundary between the Township of North Dumfries and the City of Galt;

THENCE following the boundaries between the Township of North Dumfries and the City of Galt to the easterly limit of the said King's Highway Number 8;

THENCE southerly along the said limit of the said Highway to the boundary between the Township of North Dumfries and the City of Galt;

THENCE following the boundaries between the Township of North Dumfries and the City of Galt to the northerly limit of the said King's Highway Number 8;

THENCE easterly along the north limit of the said Proposed King's Highway Number 8 as shown on Deposited Plan No. 914 to the northeasterly limit of the King's Highway Number 8 as shown on Deposited Plan No. 807;

THENCE southeasterly along the northeasterly limit of the last mentioned King's Highway Number 8 to the easterly boundary of the Township of North Dumfries;

THENCE southerly along the easterly boundary of the Township of North Dumfries to the southeast angle thereof;

THENCE westerly along the south boundary of the Township of North Dumfries to the southwest angle thereof;

THENCE northerly along the west boundary of the said Township to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the corporation boundary of the Village of Ayr;

- (d) The portion of the City of Waterloo and the portions of the Township of Waterloo described as follows are established as a city municipality bearing the name of The Corporation of the City of Waterloo:

FIRSTLY, part of the City of Waterloo, commencing at the southeast angle of the City of Waterloo at the intersection of the northerly boundary of the Village of Bridgeport;

THENCE westerly along the northerly boundary of the Village of Bridgeport and its prolongation westerly to the easterly limit of the King's Highway Number 85;

THENCE southerly following the easterly limit of the said Highway to the westerly boundary of the Village of Bridgeport;

THENCE following the boundaries of the said Village, the said boundaries being the boundaries between the City of Waterloo and the Village of Bridgeport to the southern boundary of the said City;

THENCE westerly following the boundaries between the cities of Waterloo and Kitchener to the west boundary of the City of Waterloo;

THENCE northerly, easterly and southerly following the various boundaries of the City of Waterloo to the point of commencement;

SECONDLY, part of the Township of Waterloo, commencing at a point on the westerly boundary of the Township of Waterloo at the intersection of the line between lots 39 and 40 of the German Company Tract of the said Township of Waterloo;

THENCE easterly along the line between the said lots 39 and 40 to the west boundary of the City of Kitchener;

THENCE northerly and easterly along the boundaries between the Township of Waterloo and the City of Kitchener to the west boundary of the City of Waterloo;

THENCE northerly following the boundaries between the Township of Waterloo and the City of Waterloo to the northern boundary of the said Township;

THENCE westerly along the northern boundary of the said Township of Waterloo to the northwest angle thereof;

THENCE southerly along the westerly boundary of the said Township of Waterloo to the point of commencement;

THIRDLY, part of the Township of Waterloo, commencing at the intersection of the northern boundary of the Township of Waterloo and the middle of the main channel of the Grand River;

THENCE in an easterly direction following the middle of the main channel of the Grand River to the northerly prolongation of the westerly limit of the lands of the City of Kitchener described in Registered Instrument Number 209579;

THENCE northerly along the last mentioned lands to the northerly limit of the 25 foot right of way described in Registered Instrument Number 129175;

THENCE easterly and northeasterly along the last mentioned 25 foot right of way to the easterly limit of Township Road Number 47;

THENCE southerly and southwesterly following the easterly limit of the said Road to the northern boundary of the Village of Bridgeport;

THENCE westerly along the boundaries between the Township of Waterloo and the Village of Bridgeport to the easterly boundary of the City of Waterloo;

THENCE following the boundaries between the Township of Waterloo and the City of Waterloo to the northern boundary of the said Township;

THENCE easterly along the northern boundary of the said Township of Waterloo to the point of commencement;

- (e) The Corporation of the Village of Wellesley and The Corporation of the Township of Wellesley are amalgamated as a township municipality bearing the name of The Corporation of the Township of Wellesley;
- (f) The Corporation of the Town of New Hamburg and The Corporation of the Township of Wilmot are amalgamated as a township municipality bearing the name of The Corporation of the Township of Wilmot;
- (g) The Corporation of the Town of Elmira and The Corporation of the Township of Woolwich are amalgamated as a township municipality bearing the name of The Corporation of the Township of Woolwich and the portion of the Township of Waterloo, described as follows, is annexed to such township;

COMMENCING at a point in the easterly boundary of the Township of Waterloo where it is intersected by

the easterly prolongation of the northerly limit of County Road Number 31;

THENCE westerly to and along the northerly limit of the said County Road Number 31 to the easterly limit of County Road Number 17;

THENCE northerly along the easterly limit of the said County Road Number 17 to the southerly limit of Lot 111 in Beasley's Upper Block or German Company Tract of the Township of Waterloo;

THENCE westerly along the south limit of the said Lot 111 to the southwest angle of the said Lot 111;

THENCE northerly along the west limit of the said Lot 111 and its prolongation to the middle of the main channel of the Grand River;

THENCE in a general northwesterly direction along the middle of the main channel of the Grand River to the southerly prolongation of the limit between the lands of A. E. Pequegnat described in Registered Instrument Number 23760 and the lands of Asphalt and Bituminous Supplies Limited as described in Registered Instrument Number 239161;

THENCE northerly to and along the above mentioned limit between lands and the northerly prolongation thereof to the northerly limit of the Township Road Number 38;

THENCE northerly in a straight line to the southeasterly angle of the Village of Bridgeport;

THENCE northwesterly and westerly following the boundaries between the Village of Bridgeport and the Township of Waterloo to the southeast angle of the lands of J. and I. Schnarr, described in Registered Instrument Number 45102;

THENCE northerly along the last mentioned lands and the same produced northerly to the northern limit of County Road Number 17;

THENCE westerly along the north limit of the said County Road to the east limit of the lands of S. and S. Van Kruistum, described in Registered Instrument Number 219481;

THENCE northerly along the east limit of the last mentioned lands to the northeast angle thereof;

THENCE westerly along the north limit of the last mentioned lands to the northwest angle of the said lands being also an angle of lands of E. and V. Kraft, described in Registered Instrument Number 38930;

THENCE northerly along the west limit of the last mentioned lands to the northeast angle of the lands of C. Kraft, described in Registered Instrument Number 39197;

THENCE westerly along the north limit of the last mentioned lands and the same prolonged to the middle of the main channel of the Grand River;

THENCE northerly following the middle of the main channel of the Grand River to the northerly boundary of the Township of Waterloo;

THENCE easterly along the north boundary of the said Township of Waterloo to the northeast angle thereof;

THENCE southerly along the easterly boundaries of the Township of Waterloo to the point of commencement. 1972, c. 105, s. 2 (1); O. Reg. 539/72.

Portion of
Kitchener
annexed to
Waterloo

(2) That portion of the City of Kitchener described as follows is annexed to the City of Waterloo:

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the City of Kitchener, Regional Municipality of Waterloo (formerly the County of Waterloo) and Province of Ontario and being composed of:

FIRSTLY, 1' Reserve 'A', Part of 1' Reserve 'B', and Part of Silvercrest Drive, Registered Plan 877 in the said City of Kitchener designated as Parts 1, 2 and 3 on a Reference Plan deposited in the Registry Office for the Registry Division of Waterloo North (58) as Plan 58R-1986;

SECONDLY, that Part of Lot 33, German Company Tract in the said City of Kitchener, designated as Part 4 on a Reference Plan deposited in the Registry Office for the Registry Division of Waterloo North (58) as Plan 58R-1986. 1977, c. 34, s. 16, *part*.

(3) That portion of the City of Kitchener described as follows is annexed to the City of Waterloo:

Portion of
Kitchener
annexed to
Waterloo

Parts 2, 3, 4, 5, 6 and 7 on a Reference Plan deposited in the Registry Office for the Registry Division of Waterloo North (No. 58) as Plan 58R-2615.

(4) That portion of the City of Waterloo described as follows is annexed to the City of Kitchener:

Portion of
Waterloo
annexed to
Kitchener

Parts 1, 11 and 12 on a Reference Plan deposited in the Registry Office for the Registry Division of Waterloo North (No. 58) as Plan 58R-2615.

(5) Subsection (8) applies with necessary modifications to the annexations provided for in subsections (2), (3) and (4). 1979, c. 81, s. 44.

Annexations
deemed by
Municipal
Board orders

(6) Notwithstanding the *Surveys Act*, the north and south halves of Lot G of the Township of Beverly as described in and for the purposes of clause (1) (c) shall be determined by arithmetic mean and not by equal area parts. 1980, c. 33, s. 10.

Determination
of north and
south halves,
Lot G, Twp.
of Beverly
R.S.O. 1980,
c. 493

(7) The following police villages are dissolved on the 1st day of January, 1973:

Dissolution
of police
villages

1. The Police Village of Baden.
2. The Police Village of Conestoga.
3. The Police Village of Linwood.
4. The Police Village of St. Clements.
5. The Police Village of St. Jacobs.

(8) For the purposes of every Act, the amalgamations, annexations and dissolutions provided for in this Part shall be deemed to have been effected by orders of the Municipal Board not subject to section 42 of the *Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the 30th day of June, 1972, pursuant to applications made under sections 14 and 25 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, and, subject to the provisions of this Act, the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations, annexations and dissolutions, and sections 94 and 95 of the *Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers and "municipalities" in clause 14 (11) (a) of the

Amalgama-
tions,
annexations
and
dissolutions
deemed by
Municipal
Board
orders
R.S.O. 1980,
c. 347

R.S.O. 1980,
c. 302

Municipal Act includes, for the purposes of such clause, the area municipalities to which territory is annexed. 1972, c. 105, s. 2 (2, 3).

Composition
of councils

3.—(1) The council of each area municipality shall be composed of a mayor, who shall be elected by a general vote of the electors of the area municipality and shall be the head of the council, and the following number of other members of council:

1. The City of Cambridge—Except as may be provided under subsection (2), fourteen members elected by wards.
2. The City of Kitchener—Except as may be provided under subsection (2), ten members elected by wards.
3. The City of Waterloo—Except as may be provided under subsection (2), eight members elected by a general vote of the electors of the area municipality.
4. The Township of North Dumfries—Except as may be provided under subsection (2), six members elected by wards.
5. The Township of Wilmot—Except as may be provided under subsection (2), nine members elected by wards and one member elected by a general vote of the electors of the municipality.
6. The Township of Wellesley—Except as may be provided under subsection (2), eight members elected by wards.
7. The Township of Woolwich—Except as may be provided under subsection (2), ten members elected by wards. 1972, c. 105, s. 3 (1).

Alteration
of wards, etc.,
by O.M.B.

(2) Notwithstanding the provisions of this or any other Act, upon the application of an area municipality authorized by a by-law of the council thereof, or upon the petition of electors in accordance with the provisions of section 13 of the *Municipal Act*, the Municipal Board may, by order,

- (a) divide or redivide the area municipality into wards, and shall designate the name or number each ward shall bear and shall declare the date when the division or redivision shall take effect;
- (b) alter or dissolve any or all of the wards in the area municipality and shall declare the date when such alterations or dissolutions shall take effect; or

- (c) vary the composition of the council of the area municipality,

provided that,

- (d) no order made under this section shall alter the total number of members who represent the area municipality on the Regional Council as provided for in this Act; and
- (e) the mayor of the area municipality shall continue to be elected by a general vote of the electors of the area municipality, and shall be the head of the council of the area municipality, and shall be a member of the Regional Council, as provided for in this Act. 1976, c. 43, s. 38.

(3) Notwithstanding section 6, the Lieutenant Governor in Council, upon the recommendation of the Minister, may by order authorize such method of selecting the members who represent the area municipality on the Regional Council as is considered advisable following an order of the Municipal Board under subsection (2). 1977, c. 34, s. 17.

Order of
L. G. in C.

(4) Where the Minister is inquiring into the structure, organization and methods of operation of one or more area municipalities or the Regional Corporation, he may give notice to the Municipal Board of such inquiry and that in his opinion any application or applications and any petition or petitions made under subsection (2) should be deferred until the inquiry has been completed and considered, and thereupon all proceedings in any such application are stayed until he gives notice to the Municipal Board that they may be continued. 1979, c. 81, s. 45.

Stay of
proceedings
pending
completion
of inquiry

(5) No area municipality shall have a Board of Control. 1972, c. 105, s. 3 (7).

No board
of control

PART II

INCORPORATION AND COUNCIL OF REGIONAL AREA

4.—(1) The inhabitants of the Regional Area are continued as a body corporate under the name of "The Regional Municipality of Waterloo".

Regional
Corporation
continued

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of the *Municipal Affairs Act* and the *Ontario Municipal Board Act*.

Deemed
municipality
under
R.S.O. 1980,
cc. 303, 347

Regional
Area
deemed
judicial
district
Registry
boundaries

(3) The Regional Area shall for all judicial purposes be deemed to be a county and be known as the Judicial District of Waterloo.

(4) Nothing in this Act shall be deemed to alter the boundaries of any registry or land titles division.

Appoint-
ments for
County of
Waterloo
deemed
appointments
for Judicial
District of
Waterloo

(5) Every person who held an office or appointment under any Act on the 31st day of December, 1972, in and for the County of Waterloo shall be deemed, so long as he continues to hold such office or appointment, to hold such office or appointment on and after the 1st day of January, 1973, in and for the Judicial District of Waterloo. 1972, c. 105, s. 6.

Regional
Council to
exercise
corporate
powers

5.—(1) The powers of the Regional Corporation shall be exercised by the Regional Council and, except where otherwise provided, the jurisdiction of the Regional Council is confined to the Regional Area.

Powers
exercised
by by-law

(2) Except where otherwise provided, the powers of the Regional Council shall be exercised by by-law.

Not to be
quashed as
unreasonable

(3) A by-law passed by the Regional Council in the exercise of any of its powers and in good faith shall not be open to question, or be quashed, set aside or declared invalid either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them. 1972, c. 105, s. 7.

Composition
of Regional
Council

6.—(1) The Regional Council shall consist of twenty-five members composed of a chairman and,

- (a) the head of the council of each area municipality;
- (b) four members of the council of the area municipality of the City of Cambridge elected by the members of the said council;
- (c) eight members of the council of the area municipality of the City of Kitchener elected by the members of the said council;
- (d) two members of the council of the area municipality of the City of Waterloo who, at the election for members of council next preceding the organization of the Regional Council, in any year received the highest number of votes, and in the event that either or both of such members

decline to accept membership on the Regional Council, the members of the council of such area municipality receiving the next highest number of votes in declining order shall be entitled to be a member or members of the Regional Council;

- (e) two members of the council of the area municipality of the Township of Woolwich elected by the members of the said council;
- (f) the member elected by general vote of the electors of the area municipality of the Township of Wilmot. 1972, c. 105, s. 8 (1); 1973, c. 137, s. 2 (1); 1974, c. 44, s. 1; O. Reg. 241/78.

(2) If, after any election in an area municipality, by reason of acclamation or an equality of votes, it cannot be determined which councillor or councillors is, or are, entitled to be a member or members of the Regional Council, the matter shall be determined by resolution of the council of the area municipality passed before the organization meeting of the Regional Council. 1979, c. 81, s. 46.

(3) The council of the City of Cambridge, the City of Kitchener and the Township of Woolwich respectively, shall at its first meeting after a regular election elect its members to the Regional Council. 1978, c. 33, s. 44, *revised*.

7.—(1) At the first meeting of the Regional Council after a regular election at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for the term of the council and until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected. 1978, c. 33, s. 45 (1).

(2) Where a member of the council of an area municipality becomes chairman, he shall be deemed to have resigned as a member of such council, and his seat on such council thereby becomes vacant. 1972, c. 105, s. 9 (3).

(3) If, at the first meeting of the Regional Council after a regular election a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for the term of the council and until his successor is elected or appointed in accordance with this Act. 1978, c. 33, s. 45 (2).

First
meeting
of area
councils

8.—(1) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality after a regular election shall be held not later than the seventh day following the day on which the term of office in respect of which the election was held commences.

First
meeting of
Regional
Council

(2) The first meeting of the Regional Council after a regular election shall be held after the councils of the area municipalities have held their first meetings under subsection (1), but in any event not later than the fourteenth day following the day on which the term of office in respect of which the election was held commences, on such date and at such time and place as may be fixed by by-law of the Regional Council. 1978, c. 33, s. 46.

Certificate of
qualification

(3) A person entitled to be a member of the Regional Council in accordance with section 6, other than the mayor of each area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the Regional Council that he attends a certificate under the hand of the clerk of the area municipality that he represents, and under the seal of such area municipality certifying that he is entitled to be a member of the Regional Council. 1972, c. 105, s. 10 (4).

Oath of
allegiance
and
declaration of
qualification

(4) The chairman, before taking his seat, shall take an oath of allegiance in Form 1 and a declaration of qualification in Form 2.

Declaration
of office

R.S.O. 1980,
c. 302

(5) No business shall be proceeded with at the first meeting of the Regional Council until after the declarations of office in Form 3 of the *Municipal Act* have been made by all members who present themselves for that purpose.

When Council
deemed
organized

(6) The Regional Council shall be deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in subsection 10 (1). 1972, c. 105, s. 10 (6-8).

Place of
meeting

9. Subject to section 8, all meetings of the Regional Council shall be held at such place within the Regional Area and at such times as the Regional Council from time to time appoints. 1972, c. 105, s. 11.

Quorum,
voting

10.—(1) Thirteen members of the Regional Council representing at least four area municipalities are necessary to form a quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure.

One vote

(2) Subject to subsection (3), each member of the Regional Council has one vote only.

Chairman
vote

(3) The chairman does not have a vote except in the event of an equality of votes. 1972, c. 105, s. 12.

11.—(1) When a vacancy occurs in the office of a chairman who has been appointed by the Lieutenant Governor in Council, some person shall be appointed by the Lieutenant Governor in Council to hold office as chairman for the remainder of the term of his predecessor. Vacancies, chairman

(2) When a vacancy occurs in the office of a chairman who has been elected under subsection 7 (1), the Regional Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman who may be one of the members of the Regional Council, or any other person, to hold office for the remainder of the term of his predecessor. Idem

(3) If the Regional Council fails to elect a chairman within twenty days as required by subsection (2), the Lieutenant Governor in Council may appoint a person as chairman to hold office for the remainder of the term of his predecessor. 1972, c. 105, s. 13 (1-3). Idem

(4) When a vacancy occurs in the office of a member, other than the chairman or the head of the council of an area municipality, the council of the area municipality of which he was a member shall by by-law within sixty days after the vacancy occurs appoint a successor, who may be a member of the council or a person who is eligible to be elected a member of the council to hold office for the remainder of the term of his predecessor. 1972, c. 105, s. 13 (4); 1976, c. 43, s. 39. Other members

(5) Where a member has been elected as a member of the Regional Council and of the council of an area municipality, resignation from either council shall be deemed to be resignation from both councils. Resignation

(6) In the event that the head of a council of an area municipality is for any reason unable to fulfil his duties as a member of the Regional Council for a period exceeding one month, the council of the area municipality may by by-law appoint one of its members as an alternate representative to the Regional Council who shall act in the place and stead of the head of council during his incapacity, but no such by-law shall have effect for a period longer than one month from its effective date. 1972, c. 105, s. 13 (5, 6). Where head of council incapacitated

12. The Regional Council may from time to time establish such standing or other committees and assign to them such duties as it considers expedient. 1972, c. 105, s. 15 (1). Committees

13. The Regional Council may pass by-laws for governing the proceedings of the Regional Council and any of its committees, the conduct of its members and the calling of meetings. 1972, c. 105, s. 16. Procedural by-laws

Head of
Council

14.—(1) The chairman is the head of the Regional Council and is the chief executive officer of the Regional Corporation.

Chief
administra-
tive officer

(2) The Regional Council may by by-law appoint a chief administrative officer, who,

(a) shall have such general control and management of the administration of the government and affairs of the Regional Corporation and perform such duties as the Regional Council by by-law prescribes;

(b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;

(c) shall hold office during the pleasure of the Regional Council; and

(d) shall receive such salary as the Regional Council by by-law determines.

Application
of
R.S.O. 1980,
c. 302

(3) Subsection 99 (2) of the *Municipal Act* applies to a chief administrative officer appointed under subsection (2). 1972, c. 105, s. 17.

Acting
chairman

15.—(1) When the chairman is absent or refuses to act, or his office is vacant, the Regional Council may by resolution appoint one of its members to act in his place and stead and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

Idem

(2) The Regional Council may by by-law appoint a member of the Regional Council to act from time to time in the place and stead of the chairman when the chairman is absent from the Regional Area or absent through illness or his office is vacant and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman. 1974, c. 117, s. 20.

Application of
R.S.O. 1980,
c. 302

16.—(1) Sections 57, 58, 60, 62, 63, 129, 137 to 141, 238, 239, 240 to 244, 247, 248, 249 and 250 of the *Municipal Act* apply with necessary modifications to the Regional Corporation. 1980, c. 33, s. 11.

Idem

(2) Sections 55, 64, 65 and 107 of the *Municipal Act* apply with necessary modifications to the Regional Council and to every local board of the Regional Council. 1972, c. 105, s. 19 (2).

Appointment
of clerk

17.—(1) The Regional Council shall appoint a clerk whose duty it is,

- (a) to record truly in a book, without note or comment, all resolutions, decisions and other proceedings of the Regional Council;
- (b) if required by any member present, to record the name and vote of every member voting on any matter or question;
- (c) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the Regional Council and its committees; and
- (d) to perform such other duties as may be assigned to him by the Regional Council.

(2) The Regional Council may appoint a deputy clerk who shall have all the powers and duties of the clerk. Deputy clerk

(3) When the office of the clerk is vacant or the clerk is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting clerk *pro tempore* who shall have all the powers and duties of the clerk. 1972, c. 105, s. 20 (1-3). Acting clerk

18.—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents in the possession or under the control of the clerk, except interdepartmental correspondence and reports of officials of any department or of solicitors for the Regional Corporation made to the Regional Council or any of its committees, and the clerk within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the Regional Corporation to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix. Minutes open to inspection

(2) The clerk shall keep an index book in which he shall enter the number and date of all by-laws passed by the Regional Council that affect land or the use thereof in the Regional Area but do not directly affect the title to land. Index of by-laws affecting land

(3) A copy of any record, book or document in the possession or under the control of the clerk purporting to be certified under his hand and the seal of the Regional Corporation, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs. 1972, c. 105, s. 21. Copies certified by clerk to be receivable in evidence

Appointment
of treasurer

19.—(1) The Regional Council shall appoint a treasurer to undertake the duties of a treasurer and such treasurer shall keep the books, records and accounts, and prepare the annual financial statements of the Regional Corporation and preserve and file all accounts of the Regional Corporation, and shall perform such other duties as may be assigned to him by the Regional Council.

Deputy
treasurer

(2) The Regional Council may appoint a deputy treasurer who shall have all the powers and duties of the treasurer.

Acting
treasurer

(3) When the office of treasurer is vacant or the treasurer is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting treasurer *pro tempore* who shall have all the powers and duties of the treasurer. 1972, c. 105, s. 22.

Receipt and
disbursement
of money

20.—(1) The treasurer shall receive and safely keep all money of the Regional Corporation, and shall pay out money to such persons and in such manner as the law in force in Ontario and the by-laws or resolutions of the Regional Council direct, provided that every cheque issued by the treasurer shall be signed by the treasurer and by some other person or persons designated for the purpose by by-law or resolution of the Regional Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized.

Signing
of cheques

(2) Notwithstanding subsection (1), the Regional Council may by by-law,

(a) designate one or more persons to sign cheques in lieu of the treasurer; and

(b) provide that the signature of the treasurer and of any other person authorized to sign cheques may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

Petty cash
fund

(3) The Regional Council may by by-law provide that the treasurer may establish and maintain a petty cash fund of an amount of money sufficient to make change and to pay small accounts, subject to such terms and conditions as the by-law may provide. 1972, c. 105, s. 23 (1-3).

When
member
may be
paid

(4) Except where otherwise expressly provided by this Act, a member of the Regional Council shall not receive any money from the treasurer for any work or service performed or

to be performed, but nothing in this subsection prevents the payment of any moneys under any contract in respect of which the member has complied with section 2 of the *Municipal Conflict of Interest Act*. 1972, c. 105, s. 23 (4); 1973, c. 137, s. 3.

R.S.O. 1980,
c. 305

(5) The treasurer is not liable for money paid by him in accordance with a by-law or resolution of the Regional Council, unless another disposition of it is expressly provided for by statute. 1972, c. 105, s. 23 (5).

Treasurer's
liability
limited

21. Subject to subsection 20 (3), the treasurer shall,

Bank
accounts

- (a) open an account or accounts in the name of the Regional Corporation in such of the chartered banks of Canada or at such other place of deposit as may be approved by the Regional Council;
- (b) deposit all money received by him on account of the Regional Corporation, and no other money, to the credit of such account or accounts, and no other account; and
- (c) keep the money of the Regional Corporation entirely separate from his own money and from that of any other person,

and, notwithstanding subsection 20 (1), the Regional Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the treasurer vary from such provisions. 1972, c. 105, s. 24.

22.—(1) The treasurer shall prepare and submit to the Regional Council, monthly, a statement of the money at the credit of the Regional Corporation.

Monthly
statement

(2) Where the treasurer is removed from office or absconds, the Regional Council shall forthwith give notice to his sureties. 1972, c. 105, s. 25.

Notice to
sureties

23.—(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause by the Regional Council and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation, except school boards. 1977, c. 34, s. 18.

Appointment
of auditors

(2) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the Regional

Cost of
audit

Corporation and charged back to the local board, and, in the event of a dispute as to the amount of the cost, the Ministry may upon application finally determine the amount thereof. 1972, c. 105, s. 26 (2).

Dis-
qualification
of auditors

(3) No person shall be appointed as an auditor of the Regional Corporation who is or during the preceding year was a member of the Regional Council or of the council of an area municipality or of any local board the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the Regional Corporation or an area municipality or any such local board, or any employment with any of them other than for services within his professional capacity. 1972, c. 105, s. 26 (3); 1976, c. 43, s. 40.

Duties of
auditors

(4) An auditor shall perform such duties as are prescribed by the Ministry, and also such duties as may be required by the Regional Council or any local board of the Regional Corporation that do not conflict with the duties prescribed by the Ministry. 1972, c. 105, s. 26 (4).

Application of
R.S.O. 1980,
c. 302

24.—(1) Sections 84, 85, 90, 92, 93, 94 and 96, subsections 98 (1), (4) and (5), sections 99, 100, 109 and 117 and paragraphs 10, 45, 46, 47, 48 and 49 of section 208 of the *Municipal Act* apply with necessary modifications to the Regional Corporation.

Pensions

(2) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Waterloo or a local board thereof, the Regional Corporation or local board thereof shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the 30th day of June, 1972, in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the Regional Corporation or local board thereof and such employee shall have uninterrupted membership or entitlement to membership, as the case may be, in the Ontario Municipal Employees Retirement System.

Idem

(3) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area, the employee shall be deemed to remain an employee of the local municipality or local board thereof for the purposes of his

entitlement under any approved pension plan. 1972, c. 105, s. 27 (1-3).

(4) Where the Regional Corporation or a local board thereof, before the 1st day of July, 1976, employs, or thereafter is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Waterloo or a local board thereof, the employee shall be deemed to remain an employee of the municipality or local board thereof until the Regional Corporation or local board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the Regional Corporation, whereupon the Regional Corporation or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the municipality or local board thereof. Sick leave credits

(5) Where the Regional Corporation or a local board thereof, before the 1st day of July, 1976, employs or thereafter is required to employ a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of Waterloo or a local board thereof or a roads commission, the Regional Corporation or local board thereof shall, during the first year of his employment by the Regional Corporation or local board thereof, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the municipality or local board thereof. 1976, c. 43, s. 41. Holidays

(6) The Regional Council shall offer to employ every person who, on the 1st day of April, 1972, is employed by the County of Waterloo or by the Waterloo County Area Planning Board or by any roads commission or the health unit for the County of Waterloo or in any undertaking of, or operated on behalf of, any local municipality or local board that is assumed by the Regional Corporation under this Act and who continues to be so employed until the 31st day of December, 1972. 1972, c. 105, s. 27 (1-6). Offer of employment

(7) The Regional Corporation shall be deemed to be a municipality for the purposes of the *Ontario Municipal Employees Retirement System Act*. Application of R.S.O. 1980, c. 348

(8) The employees of the local municipalities, and the local boards thereof within the Regional Area, which are amalgamated or annexed in whole or in part to form an area municipality, who were employed by such a local muni- Offer of employment

city or local board on the 1st day of April, 1972, and continue to be so employed until the 31st day of December, 1972, except employees offered employment by the Regional Council under subsection (6), shall be offered employment by the council of the area municipality with which they are amalgamated or to which they are annexed. 1972, c. 105, s. 27 (8, 9).

Entitlement
under
O.M.E.R.S.

(9) Where the Regional Corporation or an area municipality employs a person heretofore employed by the Waterloo Public Utilities Commission, such person shall be deemed to remain an employee of the Waterloo Public Utilities Commission for the purpose of entitlement under the Ontario Municipal Employees Retirement System supplementary plan as established for the Waterloo Public Utilities Commission. 1972, c. 164, s. 1.

Sick leave
credits

(10) Any sick leave credits standing, on the 31st day of December, 1972, to the credit of any person who accepts employment under subsection (8) shall be placed to the credit of such employee in any sick leave credit plan established by the new employer.

Holidays

(11) Any person who accepts employment under subsection (8) shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the local municipality or local board by which he was formerly employed. 1972, c. 105, s. 27 (10, 11).

Pension
rights and
sick leave
credits

(12) Where, under the provisions of this section, any employee in the opinion of the Minister experiences any difficulty or hardship with regard to the transfer of any pension rights or sick leave credits, the Minister may by order do anything necessary to remedy or alleviate such difficulty or hardship. 1973, c. 137, s. 4.

Termination
of
employment

(13) Nothing in this section prevents any employer from terminating the employment of an employee for cause. 1972, c. 105, s. 27 (12).

PART III

REGIONAL WATERWORKS SYSTEM

Establish-
ment of
waterworks

25.—(1) For the purpose of supplying to the area municipalities water for the use of the area municipalities and their inhabitants, the Regional Corporation has all the powers conferred by any general Act upon a municipal corporation, and by any special Act upon any local municipality or local board thereof within the Regional Area, respecting the supply

of water and the establishment, construction, maintenance, operation, improvement and extension of a waterworks system. 1972, c. 105, s. 29 (1).

(2) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to the supply and distribution of water without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

Approval of
O.M.B. to
undertaking,
etc.

(3) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection (2) and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered. 1974, c. 117, s. 21.

Powers of
O.M.B.

(4) The Regional Corporation shall not entrust the construction or the control and management of the regional waterworks system to a public utilities commission. 1972, c. 105, s. 29 (2).

Waterworks
utility
commission
prohibited

26.—(1) The Regional Council shall, before the 31st day of December, 1972, pass by-laws which shall be effective on the 1st day of January, 1973, assuming as part of the regional waterworks system all works for the production, treatment and storage of water operated by or on behalf of each area municipality or any local board thereof and all trunk distribution mains connected therewith and all rights and obligations of an area municipality or local board in relation to such works and mains, and on the day any such by-law becomes effective all the real and personal property in relation to the works and mains designated therein vests in the Regional Corporation.

Assumption
of works and
mains

(2) A by-law under subsection (1) shall designate and describe the works and trunk distribution mains assumed.

Idem

(3) For the purpose of subsection (1), a distribution main shall be deemed to be a trunk distribution main if so declared in the by-law assuming it.

Interpre-
tation

(4) Notwithstanding subsection (1), a by-law for assuming any specific work or trunk distribution main may, with the

Extension
of time

approval of the Municipal Board, be passed after the 31st day of December, 1972, and in that case the by-law becomes effective on the date provided therein.

**Regional
liability**

(5) Where the Regional Corporation assumes a work or trunk distribution main vested in an area municipality or local board,

(a) no compensation or damages shall be payable to the area municipality or local board;

(b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such work or main, but nothing in this clause requires the Regional Corporation to pay that portion of the amounts of principal and interest that under the *Local Improvement Act* is payable as the owners' share of a local improvement work. 1972, c. 105, s. 30 (1-5).

R.S.O. 1980,
c. 250

Default

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause (5) (b), the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 48.

**Settling
of doubts**

(7) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the work or trunk distribution main assumed, the Municipal Board, upon application, may determine the matter and its decision is final.

**Interpre-
tation**

(8) In this section, "works" means buildings, structures, plant, machinery, equipment, appurtenances, devices, conduits, intakes, outlets, underground construction and installations and other works designed for the production, treatment and storage of water and includes lands appropriated for such purposes and uses. 1972, c. 105, s. 30 (7, 8).

**Existing
agreements**

27.—(1) Where any local municipality or a local board thereof within the Regional Area has agreed with any other municipality to supply water to that other municipality, and the works and trunk distribution mains used or required in carrying out such agreement are assumed by the Regional Corporation, the Regional Corporation becomes liable for the supply of water in accordance with the agreement and is bound by all the terms thereof and the area municipality

or local board that would otherwise be bound by the agreement is relieved of all liability thereunder.

(2) Notwithstanding subsection (1) and notwithstanding any- ^{Rates} thing in the agreement, the Municipal Board, upon the application of the Regional Council or the council of the municipality to which the water is supplied, has jurisdiction and power from time to time to confirm, vary or fix the rates charged or to be charged in connection with water supplied under the agreement. 1972, c. 105, s. 31.

28.—(1) No area municipality, after the 31st day of ^{Power of} December, 1972, shall establish, maintain or operate any works ^{area municipi-} for the production, treatment and storage of water. ^{ties} ^{restricted}

(2) Nothing in this section limits the powers of an area ^{Proviso} municipality or local board thereof respecting the use and distribution of water supplied to such area municipality by the Regional Corporation. 1972, c. 105, s. 32.

29.—(1) No municipality or local board thereof that is ^{Supply} supplied with water by the Regional Corporation shall supply ^{beyond limits} or agree to supply any such water beyond the limits of ^{of local} the municipality without the approval of the Regional Council. ^{municipality}

(2) Nothing in subsection (1) prohibits an area municipality ^{Proviso} or local board from supplying water to another municipality where by an agreement entered into before the 25th day of October, 1972, which by reason of an amalgamation or annexation under this Act the area municipality or local board is obligated to supply such water and the works and trunk distribution mains used or required in carrying out such agreement have not been assumed by the Regional Corporation. 1972, c. 105, s. 33.

30.—(1) The Regional Council may pass by-laws for regu- ^{Regulation} lating the time, manner, extent and nature of the supply of ^{of supply, etc.} water from the regional waterworks system, and every other matter or thing related to or connected therewith that it may be necessary and proper to regulate in order to secure to the inhabitants of the Regional Area a continued and abundant supply of pure and wholesome water, and to prevent the practising of frauds on the Regional Corporation with regard to the water so supplied.

(2) Where, immediately before the 1st day of January, ^{Continuation} 1973, the water supply in any area in the Regional Area was ^{of} fluoridated as a result of an affirmative vote of the electors ^{fluoridation} to a question submitted to the electors under section 2 of ^{of water} *The* ^{supply} ^{in area}

Fluoridation Act, being chapter 178 of the Revised Statutes of Ontario, 1970, the Regional Corporation may continue to fluoridate the water supply to such area. 1972, c. 105, s. 34.

Maintenance,
management,
etc.

31. The Regional Council may pass by-laws for the maintenance and management of the regional waterworks system and may also by by-law or resolution fix the charges to meet the cost of any work or service done or furnished for the purposes of the supply of water and the rent of or charges for fittings, apparatus, meters or other things leased or furnished to any municipality. 1972, c. 105, s. 35.

Rates

32.—(1) The Regional Council may pass by-laws fixing the rates at which water will be supplied to the area municipalities, and the times and places when and where the rates shall be payable.

Idem

(2) In fixing the rates, the Regional Council may use its discretion as to the rate or rates to be charged to any area municipality, and may charge different rates to one or more of the area municipalities.

Self-
sustaining

(3) The Regional Council shall so fix the rates at which water is supplied to the area municipalities that the revenues of the waterworks system will be sufficient to make the system self-sustaining after providing for such maintenance, renewals, depreciation, debt charges and reserves as the Regional Council may think proper.

R.S.O. 1980,
c. 347,
s. 53 (1) (k)
not applicable

(4) Clause 53 (1) (k) of the *Ontario Municipal Board Act* does not apply with respect to water supplied by the Regional Corporation to an area municipality. 1972, c. 105, s. 36.

Retail sale
prohibited

33.—(1) The Regional Corporation shall supply water to the area municipalities, but, subject to subsection (2), shall not supply water to any other person.

Sale to
other municipi-
palities

(2) The Regional Corporation may enter into a contract for the supply of water to any local, regional or metropolitan municipality outside the Regional Area for its use or for resale to the inhabitants thereof for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time. 1972, c. 105, s. 37.

Books and
accounts

34. The Regional Council shall keep separate books and accounts of the revenues, expenditures, assets and liabilities in respect of the regional waterworks system in such manner as may be prescribed by the Ministry. 1972, c. 105, s. 38.

35.—(1) Notwithstanding anything in the *Public Utilities Act* or any other general or special Act, the revenues in respect of the regional waterworks system shall be applied only for,

Application
of revenues
R.S.O. 1980,
c. 423

- (a) the reduction of any indebtedness assumed or incurred with respect to the system;
- (b) the operation, maintenance, renewal, improvement or extension of the system; or
- (c) the establishment of such reserve funds as the Regional Council may consider proper, to be used at any future time for any purpose mentioned in clause (a) or (b) or for the stabilization of rates,

and any surplus revenues not required for such purposes shall remain credited to the waterworks system accounts and shall not form part of the general funds of the Regional Corporation.

(2) It is not necessary to levy any rate to provide for principal, interest or other payments on account of any debentures issued or any debt assumed by the Regional Corporation for the purposes of the regional waterworks system except to the extent that the revenues from the system are insufficient to meet the annual payments falling due on account of principal and interest on the debentures or debt.

Where levy
unnecessary

(3) The moneys forming part of a reserve fund established under subsection (1) shall be paid into a special account and may be invested in such securities as a trustee may invest in under the *Trustee Act* and the earnings derived from the investment of such moneys shall form part of the reserve fund.

Reserve fund
R.S.O. 1980,
c. 512

(4) The moneys forming part of a reserve fund established under subsection (1) shall be applied or expended only for the purposes of the regional waterworks system. 1972, c. 105, s. 39.

Application
of reserve
fund

36.—(1) Subject to section 43, the Regional Corporation may sell, lease or otherwise dispose of any real or personal property acquired, held or used for or in connection with the regional waterworks system that, in the opinion of the Regional Council, is no longer required for the purposes of the waterworks system but, where the property is actually used for the purposes of the waterworks system, no such sale, lease or other disposition shall be made without the approval of the Municipal Board.

Disposal of
property

(2) The proceeds of any such sale, lease or other disposition shall be applied first in redemption and payment of any indebtedness assumed or incurred in respect of

Proceeds

the property disposed of, and the balance shall form part of the revenues in respect of the regional waterworks system. 1972, c. 105, s. 40.

Temporary
shut-offs

37.—(1) The Regional Corporation is not liable for damages caused by the shut-off or reduction of the amount of water supplied to an area municipality in cases of emergency or breakdown or when it is necessary in maintaining or extending the system, but the Regional Council shall wherever possible give to any area municipality reasonable notice of intention to shut off or reduce the supply of water.

No breach
of contract

(2) Where the supply of water by the Regional Corporation to an area municipality is interrupted or reduced, the area municipality or its local board may, notwithstanding anything in any contract, allocate and distribute its available water among its customers and may interrupt or decrease the delivery of water under any contract, and nothing done under this subsection shall be deemed to be a breach of contract or entitle any person to rescind any contract or release any guarantor from the performance of his obligation. 1972, c. 105, s. 41.

Standards
for local
systems

38.—(1) The Regional Council may pass by-laws establishing standards for and regulating and governing the design, construction and maintenance of local water distribution works by the area municipalities and may provide in any such by-law for the inspection of such local works, and every area municipality and local board shall conform to such by-laws.

Approval of
local
extensions
and
connections

(2) No area municipality or local board thereof shall construct or extend any local water distribution works or connect the works or any part thereof to any work or main of the Regional Corporation without the approval of the Regional Council. 1972, c. 105, s. 42.

Appeal

39. If the council of an area municipality considers itself aggrieved by the refusal of the Regional Corporation or the Regional Council,

- (a) to assume as a regional work any local work;
- (b) to construct any extension of the regional distribution system;
- (c) to maintain or increase the supply of water to the area municipality;

- (d) to approve the construction or extension of any local water distribution works by the area municipality;
or
- (e) to permit the connection or the continuance of a connection to the regional system,

the council may appeal to the Municipal Board which may make such order as it considers advisable in the matter, and the decision of the Municipal Board is final. 1972, c. 105, s. 43.

40.—(1) All rates and charges against an area municipality or local board thereof imposed under the authority of this Part are a debt of the area municipality to the Regional Corporation, and the treasurer of every area municipality shall pay the same to the treasurer of the Regional Corporation at the times and in the amounts specified by by-law of the Regional Council. 1972, c. 105, s. 44 (1). Payment of charges

(2) The Regional Council may by by-law provide for uniform rates of discount for prompt payment of charges for water supply to the area municipalities and may by by-law provide for the payment of interest in the event of default at a rate of 15 per cent per annum, or such lower rate as the Regional Council determines, while such default continues. 1979, c. 81, s. 49. Discounts and penalties

41. The Regional Corporation has, in respect of all works and trunk distribution mains assumed as part of the regional waterworks system, all the rights, powers, benefits and advantages conferred either by by-law or contract or otherwise upon the area municipality or area municipalities or their local boards with respect to such works or mains before they were assumed by the Regional Corporation, and the Regional Corporation may sue upon such rights or under such by-laws or agreements in the same manner and to the same extent as the area municipality or municipalities or local board or boards might have done if such works or mains had not been assumed. 1972, c. 105, s. 45. Transfer of rights over works assumed

42. Any person authorized by the Regional Council has free access from time to time, upon reasonable notice given and request made, to all works for the distribution of water within an area municipality and to all lands, buildings and premises used in connection therewith and the right upon the like notice and request to inspect and copy all plans, records and specifications and other information relating to the construction, extension or maintenance of such local works. 1972, c. 105, s. 46. Inspection of local works

Reversion
where
mains no
longer
required

43. Where a distribution main has been assumed by the Regional Corporation under section 26, and, in the opinion of the Regional Council, is no longer required for the purposes of the regional waterworks system but is, in the opinion of the council of the area municipality in which it is situate, required as a local distribution main by the area municipality, the Regional Council shall by by-law remove the main from the regional waterworks system and transfer it and all rights and obligations relating thereto to the area municipality. 1972, c. 105, s. 47.

Use of
regional
works

44. The works and mains assumed by the Regional Corporation under section 26, together with any extensions or additions thereto constructed by the Regional Corporation, may be used by the Regional Corporation for the purpose of supplying and distributing water to any or all of the area municipalities and, subject to subsection 33 (2), to any local, regional or metropolitan municipality outside the Regional Area. 1972, c. 105, s. 48.

PART IV

REGIONAL SEWAGE WORKS

Interpre-
tation

45.—(1) In this Part,

- (a) “capital improvement” means an addition to or an extension, enlargement, alteration, replacement or other improvement of a work of such nature or character that it is usually and properly accounted for as a capital asset;
- (b) “land drainage” means storm, surface, overflow, sub-surface or seepage waters or other drainage from land, but does not include sewage;
- (c) “sewage” means domestic sewage or industrial wastes, or both;
- (d) “sewage works” means an integral system consisting of a sewer or sewer system and treatment works;

- (e) "sewer" means a public sewer for common usage for the purpose of carrying away sewage or land drainage, or both;
- (f) "sewer system" means a system of two or more interconnected sewers having one or more common discharge outlets and includes pumping plant, force mains, siphons and other like work;
- (g) "treatment works" means buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets and other works designed for the treating of sewage or land drainage, or both, and includes the collecting, dispersing and disposing of sewage or land drainage as incidental thereto and land appropriated for such purposes and uses;
- (h) "work" means a sewer, sewer system, sewage works or treatment works, or a capital improvement of any of them.

(2) For the purpose of this Part, a sewer, sewer system or sewage works, whether existing or proposed, shall be deemed to be a trunk sewer, trunk sewer system or trunk sewage works, if so declared by by-law of the Regional Council. 1972, c. 105, s. 50. Idem

46.—(1) For the purpose of collecting or receiving from the area municipalities, or any of them, sewage and land drainage and the treatment or disposal thereof, the Regional Corporation has all the powers conferred by any general Act upon a municipal corporation and by any special Act upon any local municipality or local board thereof within the Regional Area. 1972, c. 105, s. 51 (1). General powers

(2) The Regional Corporation shall not entrust the construction or the control and management of the regional sewage works to a public utilities commission. 1972, c. 105, s. 51 (2). Sewage works, utilities commission prohibited

47. The Regional Council may pass by-laws for constructing, maintaining, improving, repairing, widening, altering, diverting and stopping up trunk sewers, trunk sewer systems, trunk sewage works, treatment works and watercourses. 1972, c. 105, s. 52. Construction, etc., of trunk sewage works

48.—(1) The Regional Council shall, before the 31st day of December, 1972, pass by-laws which shall be effective Assumption of treatment works

on the 1st day of January, 1973, assuming as regional sewage works all treatment works operated by or on behalf of each area municipality or any local board thereof and all rights and obligations of an area municipality or local board in relation to such works, and on the day any such by-law becomes effective all the real and personal property in relation to the works designated therein vests in the Regional Corporation.

Other
works

(2) The Regional Council may at any time pass by-laws for assuming any trunk sewer, trunk sewer system, or watercourse vested in any area municipality or local board thereof, but no such by-law becomes effective before the 1st day of January, 1973.

Idem

(3) A by-law under subsection (1) or (2) shall designate and describe the works assumed.

Extension
of time

(4) Notwithstanding subsection (1), a by-law for assuming any specific treatment works may, with the approval of the Municipal Board, be passed after the 31st day of December, 1972, and in that case the by-law becomes effective on the date provided therein.

Regional
liability

(5) Where the Regional Corporation assumes a work or watercourse vested in an area municipality or local board,

(a) no compensation or damages shall be payable to the area municipality or local board;

(b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such work or watercourse, but nothing in this clause requires the Regional Corporation to pay that portion of the amounts of principal and interest that under the *Local Improvement Act* is payable as the owners' share of a local improvement work. 1972, c. 105, s. 53 (1-5).

R.S.O. 1980,
c. 250

Default

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause (5) (b), the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 51.

(7) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the work or watercourse assumed, the Municipal Board, upon application, may determine the matter and its decision is final. 1972, c. 105, s. 53 (7). Settling
of doubts

49.—(1) Where any local municipality or a local board thereof within the Regional Area has agreed with any other municipality to receive sewage or land drainage from that other municipality, and the works or watercourses used or required in carrying out such agreement are assumed by the Regional Corporation, the Regional Corporation becomes liable to receive such sewage or land drainage in accordance with the agreement, and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder. Existing
agreements

(2) Where any local municipality or a local board thereof within the Regional Area has agreed with any person other than a municipality to receive sewage or land drainage and the works or watercourses used or required in carrying out such agreement are assumed by the Regional Corporation, the Regional Corporation becomes liable to receive such sewage or land drainage in accordance with the agreement and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder. Idem

(3) Notwithstanding subsections (1) and (2) and notwithstanding anything in any such agreement, the Municipal Board, upon the application of the Regional Council or of the council of any area municipality or of any person concerned, may by order terminate any such agreement and adjust all rights and liabilities thereunder. 1972, c. 105, s. 54. Termination

50.—(1) Where all the treatment works of an area municipality or any local board thereof are assumed by the Regional Corporation, the area municipality shall not thereafter establish, maintain or operate treatment works without the approval of the Regional Council. Powers of
area municipalities
restricted

(2) No area municipality shall establish or enlarge any treatment works after the 31st day of December, 1972, without the approval of the Regional Council. 1972, c. 105, s. 55. Idem

51.—(1) The Regional Council may pass by-laws for the maintenance and management of its sewers, sewer system, sewage works, treatment works and watercourses and regulating the manner, extent and nature of the reception and disposal of sewage and land drainage from the area municipality. Regulation
of system,
etc.

palities and every other matter or thing related to or connected therewith that it may be necessary and proper to regulate in order to secure to the inhabitants of the Regional Area an adequate system of sewage and land drainage disposal. 1972, c. 105, s. 56.

Control of
sewage

(2) The Regional Council has all the authority and powers in respect of any sewers which mediately or immediately enter into sewers or treatment works under the jurisdiction of the Regional Corporation as have councils of local municipalities under paragraph 147 of section 210 of the *Municipal Act*.

R.S.O. 1980,
c. 302

Conflict

(3) In the event of conflict between a by-law passed under subsection (2) by the Regional Council and a by-law passed by the council of an area municipality under paragraph 147 of section 210 of the *Municipal Act* the by-law passed by the Regional Council prevails to the extent of such conflict, but in all other respects the by-law of the area municipality remains in full effect and force. 1979, c. 81, s. 52.

Recovery of
regional
expenditures
re sewage and
land drainage

52.—(1) The Regional Council may by by-law from time to time provide for imposing on and collecting from any area municipality, in respect of the whole of such area municipality or any designated part thereof from which sewage or land drainage, including storm drainage, is received,

- (a) a sewer rate sufficient to pay the whole or such portion as the by-law may specify, of the regional expenditures relating to the capital costs of any work or watercourse assumed, constructed or to be constructed by the Regional Corporation, or for extension or improvement of such work, including debenture charges relating to any capital costs;
- (b) a sewage service rate sufficient to pay the whole, or such portion as the by-law may specify, of the regional expenditures for maintenance and operation of such work or watercourse; or
- (c) a uniform rate related to volume of sewage or land drainage received or treated sufficient to pay the whole, or such portion as the by-law may specify, of the Regional capital costs, including debenture charges, and expenditures for maintenance and operation of such work or watercourse.

Municipal
Board not to
have regard to
method of
recovering cost

(2) Notwithstanding any general or special Act, the Municipal Board shall hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to the collection and disposal of sewage without

having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

(3) The area municipality may,

How area municipality may provide for payment

- (a) pay the amounts chargeable to it under this section out of its general funds;
- (b) subject to the approval of the Municipal Board, pass by-laws under section 218 of the *Municipal Act* for imposing sewer rates to recover the whole or part of the amount chargeable to the area municipality in the same manner as if the work were being or had been constructed, extended or improved by the area municipality notwithstanding that in the by-law authorizing the work there was no provision for imposing, with the approval of the Municipal Board, upon owners or occupants of land who derive or will or may derive a benefit from the work a sewer rate sufficient to pay for the whole or a portion or percentage of the capital cost of the work;
- (c) include the whole or any part of an amount chargeable to the area municipality as part of the cost of an urban service for the collection and disposal of sewage and land drainage chargeable within an urban service area established in the area municipality under any general or special Act; or
- (d) pass by-laws under section 218 of the *Municipal Act* for imposing sewage service rates to recover the whole or part of the amount chargeable to the area municipality.

R.S.O. 1980, c. 302

(4) All rates imposed against an area municipality under this section are a debt of the area municipality to the Regional Corporation and shall be payable at such times and in such amounts as may be specified by by-law of the Regional Council. 1979, c. 81, s. 53.

Rates imposed are debt to Regional Corporation

53.—(1) No municipality or person shall connect any local work, local watercourse, private drain or private sewer to a regional work or watercourse without the approval of the Regional Council.

Connecting to regional works or watercourses

(2) The Regional Corporation may enter into a contract with any local, regional or metropolitan municipality outside the Regional Area to receive and dispose of sewage and land drainage from the local, regional or metropolitan municipality on such terms and conditions as may be agreed upon for

Contracts for disposal of sewage

any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time.

Inspection

(3) Any engineer or other officer of the Regional Corporation has power to inspect the plans and specifications of any work referred to in subsection (1) and to inspect the work during its construction and before it is connected with the regional work or watercourse. 1972, c. 105, s. 58.

**Standards
for local
systems**

54.—(1) The Regional Council may pass by-laws establishing standards for and regulating and governing the design, construction and maintenance of local works connected or to be connected to a regional work or watercourse, and every area municipality and local board shall conform to such by-laws.

**Approval
of local
extensions,
etc.**

(2) No area municipality or local board thereof shall enlarge, extend or alter any local work or watercourse that discharges into a regional work or watercourse without the approval of the Regional Council. 1972, c. 105, s. 59.

Appeal

55. If the council of an area municipality considers itself aggrieved by the refusal of the Regional Corporation or the Regional Council,

- (a) to assume as a regional work any local work;
- (b) to construct, extend or improve any regional work;
- (c) to receive any required volume of sewage or land drainage from the area municipality;
- (d) to approve the construction, alteration, improvement or extension of a local work; or
- (e) to permit a connection or the continuance of a connection to any regional work,

the council may appeal to the Municipal Board, which may make such order as it considers advisable in the matter, and the decision of the Municipal Board is final. 1972, c. 105, s. 60.

**Contribution
towards
cost of
separation of
combined
sewers**

56. The Regional Council may contribute towards the cost to any area municipality of the separation of sanitary and storm sewers in an area municipality such amounts as it considers proper, not exceeding 25 per cent of the total cost thereof to the area municipality. 1972, c. 105, s. 62.

57. The Regional Corporation has, in respect of all works assumed, all the rights, powers, benefits and advantages conferred either by by-law or contract or otherwise upon the area municipality or area municipalities or their local boards with respect to such works before they were assumed by the Regional Corporation and the Regional Corporation may sue upon such rights or under such by-laws or agreements in the same manner and to the same extent as the area municipality or municipalities or local board or boards might have done if such works had not been assumed. 1972, c. 105, s. 63.

Transfer
of rights
over
works
assumed

58. Any person authorized by the Regional Council has free access from time to time, upon reasonable notice given and request made, to all works within an area municipality and to all lands, buildings and premises used in connection therewith and the right, upon the like notice and request, to inspect and copy all plans, records and specifications and other information relating to the construction, extension or maintenance of such local works. 1972, c. 105, s. 64.

Inspection
of local
works

59. Any works assumed by the Regional Corporation under section 48, together with any extensions or additions thereto constructed by the Regional Corporation, may be used by the Regional Corporation for the purpose of receiving and disposing of sewage and land drainage from any or all of the area municipalities and, subject to subsection 53 (2), from any local, regional or metropolitan municipality outside the Regional Area. 1972, c. 105, s. 65.

Use of
regional
works

PART V

REGIONAL ROAD SYSTEM

60. In this Part,

Interpre-
tation

- (a) "approved" means approved by the Minister or of a type approved by the Minister;
- (b) "construction" includes reconstruction;
- (c) "maintenance" includes repair;
- (d) "Minister" means the Minister of Transportation and Communications;
- (e) "Ministry" means the Ministry of Transportation and Communications;

(f) "road authority" means a body having jurisdiction and control of a highway. 1972, c. 105, s. 67.

County roads
to constitute
regional road
system

61.—(1) On and after the 1st day of January, 1973, all roads under the jurisdiction and control of the County of Waterloo on the 31st day of December, 1972, shall constitute the regional road system together with those roads under the jurisdiction and control of the County of Wentworth that are included within the area municipality of the Township of North Dumfries.

Adding or
removing
roads by
by-law

(2) The Regional Council may by by-law from time to time add roads to or remove roads from the regional road system, including such boundary line roads or portions thereof between the Regional Area and an adjoining municipality as may be agreed upon between the Regional Council and the council of the adjoining municipality.

Transfer of
provincial
highway to
Regional
Corporation

(3) The Lieutenant Governor in Council may transfer any highway under the jurisdiction and control of the Ministry within the Regional Area to the Regional Corporation and the highway shall for all purposes be deemed to be part of the regional road system on such date as is designated by the Lieutenant Governor in Council and to have been transferred under section 29 of the *Public Transportation and Highway Improvement Act*.

R.S.O. 1980,
c. 421

Vesting of
roads in
regional
road
system

(4) Where a road or part thereof forms part of the regional road system, jurisdiction and control and the soil and freehold thereof are vested in the Regional Corporation.

Removal of
roads from
regional road
system

(5) The Lieutenant Governor in Council may remove any road from the regional road system.

Roads
removed
from
system

(6) Where a road or a part thereof is removed from the regional road system, except by reason of it being stopped-up pursuant to section 71, such road or part is thereupon transferred to and the jurisdiction and control and the soil and freehold thereof is thereupon vested in the area municipality in which it is situate, and the area municipality may sue upon any rights or under any agreements or by-laws in the same manner and to the same extent as the Regional Corporation in respect of such road.

Status of
land
acquired for
widening
regional road

(7) Notwithstanding subsection (10), where the Regional Corporation acquires land for the purpose of widening a regional road, the land so acquired, to the extent of the designated widening, forms part of the road and is included in the regional road system.

(8) When land abutting on a regional road is dedicated for, ^{Idem} or apparently for, widening the regional road, the land so dedicated is part of the regional road and the jurisdiction and control and the soil and freehold thereof is vested in the Regional Corporation subject to any rights in the soil reserved by the person who dedicated the land. 1972, c. 105, s. 68 (1-8).

(9) The Regional Council shall, from time to time, pass a by-law consolidating all by-laws relating to the regional road system. 1980, c. 33, s. 12. ^{Consolidating by-law}

(10) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant Governor in Council and the Lieutenant Governor in Council may approve the by-law in whole or in part and, where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it shall not be necessary for the Regional Council to pass any further by-law amending the original by-law or repealing any part thereof that has not been approved, and every such by-law as approved is in force and has effect after the day named by the Lieutenant Governor in Council. ^{Approval of by-laws}

(11) The *Regulations Act* does not apply to an order in council made under this section. 1972, c. 105, s. 68 (10, 11). ^{Application of R.S.O. 1980, c. 446}

62. The Regional Council shall adopt a plan of road construction and maintenance, and from time to time thereafter shall adopt such other plans as may be necessary. 1972, c. 105, s. 69. ^{Plan of construction and maintenance}

63. Where the Regional Corporation proposes the construction, improvement or alteration of a regional road, it shall furnish the Minister with such detailed information as he may require. 1972, c. 105, s. 70. ^{Furnishing of information to Minister}

64. Where a contribution has been made from any source whatsoever towards an expenditure made under the provisions of section 89 of the *Public Transportation and Highway Improvement Act*, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs. 1972, c. 105, s. 71. ^{Contribution towards expenditures R.S.O. 1980, c. 421}

65. The roads included in the regional road system shall be maintained and kept in repair by the Regional Corporation. 1972, c. 105, s. 72. ^{Maintenance and repair}

66. The Regional Corporation has, in respect of the roads included in the regional road system, all the rights, powers, benefits and advantages conferred, and is subject to all liabilities ^{Power over roads assumed}

imposed, either by statute, by-law, contract or otherwise upon The Corporation of the County of Waterloo or the County of Wentworth or the corporation of the area municipality or the corporations of two or more area municipalities or the corporation of any suburban roads commission which had jurisdiction over the roads before they became part of the regional road system, and the Regional Corporation may sue upon such rights or under such contracts or by-laws in the same manner and to the same extent as the County of Waterloo or the County of Wentworth or the area municipality or municipalities or the suburban roads commissions, as the case may be, might have done if the roads had not become part of the regional road system. 1972, c. 105, s. 73.

Sidewalks
excepted

67.—(1) The Regional Corporation is not by reason of a road forming part of the regional road system under this Act liable for the construction or maintenance of sidewalks on any road or portion thereof in the regional road system, but the area municipality in which such sidewalks are located continues to be liable for the maintenance of such sidewalks and is responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 284 of the *Municipal Act* in respect of a sidewalk on a road over which a council has jurisdiction.

R.S.O. 1980,
c. 302

Area municipa-
lities may
construct
sidewalks,
etc.

(2) An area municipality may construct a sidewalk, storm sewer or other improvement or service on a regional road, and the Regional Corporation may contribute to the cost of such sidewalk, storm sewer, improvement or service, but no such work shall be undertaken by an area municipality without first obtaining the approval of the Regional Council expressed by resolution.

How cost
provided

(3) The cost of any such sidewalk, storm sewer, improvement or service constructed on a regional road may be met out of the general funds of the area municipality or the work may be undertaken in whole or in part as a local improvement under the *Local Improvement Act*.

R.S.O. 1980,
c. 250

Area municipa-
lity to
conform to
requirements
and be
responsible
for damages

(4) An area municipality when constructing such a sidewalk, storm sewer, improvement or service on a regional road shall conform to any requirements or conditions imposed by the Regional Council and is responsible for any injury or damage arising from the construction or presence of the sidewalk, improvement or service on the road.

(5) Subsection 106 (4) of the *Public Transportation and Highway Improvement Act* does not apply to a sidewalk constructed on a regional road by the council of a township. 1972, c. 105, s. 74. R.S.O. 1980, c. 421, s. 106 (4) not to apply

68.—(1) The Regional Corporation may construct, install, maintain or remove any works on a highway, other than a road under the jurisdiction and control of the Ministry, including traffic control devices, for the purpose of altering or regulating the flow of traffic upon entering or leaving a road in the regional road system. Installation of traffic control devices

(2) The Regional Corporation may relocate, alter or divert any public road, other than a road under the jurisdiction and control of the Ministry, entering or touching upon or giving access to a road in the regional road system. Relocation of intersecting roads

(3) Where, in relocating, altering or diverting a public road under subsection (2), the Regional Corporation constructs a new road in lieu of the public road, the Regional Corporation may close the public road at the point of intersection with the regional road and may, by by-law vest the new road and the soil and freehold and jurisdiction and control thereof in the area municipality in which it is situate. Idem

(4) Where the Regional Corporation constructs a sidewalk, storm sewer, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality may contribute to the cost of such sidewalk, storm sewer, improvement or service and the work may be undertaken in whole or in part under the *Local Improvement Act*. 1972, c. 105, s. 75. Construction of sidewalk, etc., on area municipality road
R.S.O. 1980, c. 250

69. Where a regional road intersects a road that is under the jurisdiction and control of an area municipality, the continuation of the regional road to its full width across the road so intersected is a part of the regional road system. 1972, c. 105, s. 76. Intersection of other roads by regional road

70. The Regional Council may pass by-laws for establishing and laying out new roads and for amending the by-law passed under section 61 by adding such new roads to the regional road system, and the provisions of the *Municipal Act* with respect to the establishment and laying out of highways by municipalitites apply with necessary modifications. 1972, c. 105, s. 77. New roads
R.S.O. 1980, c. 302

71. With respect to the roads in the regional road system and the regulation of traffic thereon, the Regional Corporation has all the powers conferred, and is subject to all the liabilities Powers and liabilities of Regional Corporation

R.S.O. 1980,
cc. 302, 198

imposed upon the council or corporation of a city by the *Municipal Act*, the *Highway Traffic Act* and any other Act with respect to highways. 1972, c. 105, s. 78.

Erection of
gasoline
pump and
advertising
device near
regional road

72.—(1) The Regional Council may by by-law prohibit or regulate the placing or erecting of,

(a) any gasoline pump within forty-five metres of any limit of a regional road;

(b) any sign, notice or advertising device within 400 metres of any limit of a regional road. 1972, c. 105, s. 79 (1); 1978, c. 87, s. 55 (1).

Permits

(2) A by-law passed under this section may provide for the issuing of permits for the placing or erecting of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor. 1972, c. 105, s. 79 (2).

By-laws of
area municipi-
palities
regulating
traffic

73.—(1) No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force until it has been approved by the Regional Council. 1972, c. 105, s. 80 (1); 1976, c. 43, s. 42 (1).

Regional
Council may
approve
by-law in
whole or in
part

(2) A by-law submitted for approval of the Regional Council in compliance with subsection (1) may be approved in whole or in part and, where part of a by-law is approved only, that part only shall become operative.

Withdrawal
of approval

(3) The Regional Council may withdraw its approval to any by-law or any part thereof by notice sent by registered mail to the clerk of the area municipality and such by-law or part thereof shall be deemed to be repealed twenty-one days after the sending of the notice. 1976, c. 43, s. 42 (2).

Signal-light
devices

(4) All signal-light traffic control devices heretofore or hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the Regional Council, and the Regional Council may delegate any of its powers in respect of the operation of such devices to an officer of the Regional Corporation designated in the by-law.

Contribution
towards costs
of signal-
lights

(5) The Regional Corporation may contribute toward the cost of the erection of signal-light traffic control devices erected by an area municipality. 1972, c. 105, s. 80 (2, 3).

(6) Subject to the *Highway Traffic Act*, the Regional Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of thirty metres on either side of the limit of a regional road, and, where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict. 1972, c. 105, s. 80 (4); 1978, c. 87, s. 55 (2).

Traffic control within thirty metres of regional roads

R.S.O. 1980, c. 198

74. The Regional Council may by by-law authorize agreements between the Regional Corporation and the owners or lessees of land abutting on a highway for the construction, maintenance and use of walks for pedestrians over, across or under the highway upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof, and for leasing or licensing the use of untravelled portions of such walks and adjoining lands to persons for such considerations and upon such terms and conditions as may be agreed. 1972, c. 105, s. 81.

Agreements for pedestrian walks

75.—(1) The Regional Council may by by-law authorize agreements between the Regional Corporation and the owners or lessees of land abutting on a highway under the jurisdiction and control of the Regional Corporation for the construction, maintenance and use of buildings or parts thereof, over, across or under the highway upon such terms and conditions as may be agreed and for leasing or licensing the use of the air space over the highway or the lands under the highway to such persons and for such consideration and upon such terms and conditions as may be agreed.

Regional Council may enter into agreements respecting building above or beneath regional roads

(2) An agreement made under subsection (1) that affects a highway or a highway right of way that is a connecting link, within the meaning of section 21 of the *Public Transportation and Highway Improvement Act* shall have no effect until approved by the Minister of Transportation and Communications. 1978, c. 33, s. 50.

Approval of Minister of Transportation and Communications

R.S.O. 1980, c. 421

76.—(1) Sections 292 and 294 of the *Municipal Act* do not apply to a bridge or highway crossing or forming a boundary between the Regional Area and an adjoining municipality where such bridge or highway is included in the regional road system and in the road system of the municipality.

Disputes as to maintenance, etc., of bridges and highways

R.S.O. 1980, c. 302

(2) Where there is a difference between the Regional Council and the council of a municipality in respect of any such bridge or highway as to the corporation upon which the obligation rests for the constructing or maintaining of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where

Idem

the Regional Council and the council of the municipality are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the Regional Corporation or the corporation of the municipality.

Hearing
by O.M.B.

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality and of the Regional Corporation, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities in regard to such bridge or highway, and the Municipal Board may make such order with respect to the same as it may consider just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute toward the building and maintaining of such bridge or highway.

Term of
order

(4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive. 1972, c. 105, s. 82.

Boundary
bridges
between
area municip-
alities

R.S.O. 1980,
c. 302

77. Clause 261 (1) (b) of the *Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities, and the councils of the area municipalities on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system. 1972, c. 105, s. 83.

Boundary
bridges
between
Regional
Area and
adjoining
municipality

78. Section 276 of the *Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the Regional Area and an adjoining municipality, and the councils of the area municipality and the adjoining local municipality on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system. 1972, c. 105, s. 84.

Restrictions

79.—(1) The Regional Council has, with respect to all land lying within a distance of forty-five metres from any limit of a regional road, all the powers conferred on the council of a local municipality by section 39 of the *Planning Act*. 1972, c. 105, s. 85 (1); 1978, c. 87, s. 55 (3).

R.S.O. 1980,
c. 379

Conflict
with local
by-laws

(2) In the event of conflict between a by-law passed under subsection (1) by the Regional Council and a by-law passed under section 39 of the *Planning Act* or a predecessor of such

section by the council of a local municipality that is in force in the area municipality in which the land is situate, the by-law passed by the Regional Council prevails to the extent of such conflict. 1972, c. 105, s. 85 (2).

80.—(1) The Regional Council may by by-law designate any road in the regional road system, or any portion thereof, as a controlled-access road. Controlled-access roads

(2) Subject to the approval of the Municipal Board, the Regional Council may by by-law close any municipal road that intersects or runs into a regional controlled-access road. Closing municipal roads

(3) The Municipal Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such time, in such manner and to such persons as the Municipal Board may determine, and may further direct that particulars of objections to the closing shall be filed with the Municipal Board and the Regional Corporation within such time as the Municipal Board shall direct. Notice of application for approval for closing road

(4) Upon the hearing of the application for approval of the closing of a road, the Municipal Board may make such order as it considers proper refusing its approval or granting its approval upon such terms and conditions as it considers proper, and any order of the Municipal Board approving of the closing of a road may contain provisions, Order of O.M.B.

- (a) determining the portion or portions of the road that shall be closed;
- (b) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and
- (c) providing for the doing of such other acts as in the circumstances it considers proper.

(5) Upon the approval of the Municipal Board being so obtained but subject to the provisions of the order of the Municipal Board made on the application for such approval, the Regional Corporation may do all such acts as may be necessary to close the road in respect of which the application is made. Closing road

(6) The Regional Corporation, or any person including an area municipality, that has filed particulars of a claim or objection may, with leave of the Divisional Court, appeal to that court from any order made under subsection (4). Appeal

**Time for
appeal**

(7) Application for leave to appeal shall be made within thirty days after the date of the determination or order of the Municipal Board subject to the rules of the court as to vacations.

**Leave to
appeal**

(8) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may consider just.

**Practice
and
procedure
on appeal**

(9) The practice and procedure as to the appeal and matters incidental thereto shall be in accordance with the rules of court, and the decision of the Divisional Court is final.

R.S.O. 1980,
c. 347
not to apply

(10) Section 95 of the *Ontario Municipal Board Act* does not apply to an appeal under this section. 1972, c. 105, s. 86.

**Private
roads, etc.,
opening
upon regional
controlled-
access road**

81. The Regional Council may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a regional controlled-access road. 1972, c. 105, s. 87.

Notice

82.—(1) The Regional Corporation may give notice to the owner of any land requiring him to close up any private road, entranceway, structure or facility constructed or used as a means of access to a regional controlled-access road in contravention of a by-law passed under section 81.

**Service of
notice**

(2) Every notice given under subsection (1) shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail shall be deemed to have been received on the fifth day following the mailing thereof.

**Failure to
comply with
notice**

(3) Where the person to whom notice is given under subsection (1) fails to comply with the notice within thirty days after its receipt, the Regional Council may by resolution direct any officer, employee or agent of the Regional Corporation to enter upon the land of such person and do or cause to be done whatever may be necessary to close up the private road, entranceway, structure or facility as required by the notice.

Offence

(4) Every person who fails to comply with a notice given under subsection (1) is guilty of an offence and on conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence.

(5) Where a notice given under subsection (1) has been complied with, no compensation is payable to the owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a controlled-access road designated under subsection 80 (1) was constructed or used, as the case may be, Com-
pensation

(a) before the day on which the by-law designating the road as a controlled-access road became effective; or

(b) in compliance with a by-law passed under section 81, in which case the making of compensation is subject to any provisions of such by-law. 1972, c. 105, s. 88.

83.—(1) Subject to subsection (2), no area municipality shall have any right to compensation or damages for any road forming part of the regional road system. Regional
liability
where road
forms part
of system

(2) Where a road forms part of the regional road system, the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under the *Local Improvement Act* is payable as the owners' share of a local improvement work. 1972, c. 105, s. 89 (1, 2). Idem

R.S.O. 1980,
c. 250

(3) Where the Regional Corporation fails to make any payment on or before the due date required by subsection (2), the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 55. Default

(4) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the road forming part of the regional road system, the Municipal Board, upon application, may determine the matter and its decision is final. 1972, c. 105, s. 89 (4). Settling of
doubts

84.—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall so notify the Regional Corporation by registered mail. Stopping-up
highways

(2) If the Regional Council objects to such stopping up, it shall notify the council of the area municipality Agreement

by registered mail within sixty days of the receipt of the notice required under subsection (1) and the highway or part thereof shall not be stopped up except by agreement between the area municipality and the Regional Council and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final. 1972, c. 105, s. 90.

Approval
required to
intersect
regional road

(3) No area municipality shall open up, establish or assume for public use any highway which intersects with or enters upon any highway in the regional road system, without the prior written approval of the Regional Corporation. 1973, c. 137, s. 5.

Application of
R.S.O. 1980,
c. 421

85. Sections 101, 103, 105, 108 and 111 of the *Public Transportation and Highway Improvement Act* apply with necessary modifications with respect to any road in the regional road system. 1972, c. 105, s. 92.

PART VI

ELECTRICAL SERVICE AREAS

Interpre-
tation

86. In this Part,

- (a) "accumulated net retail equity" means the portion of the equity accumulated through debt retirement appropriations recorded for the Rural Power District relating to Ontario Hydro's rural retail system plus the portion of the balance recorded for rural retail customers in the Stabilization of Rates and Contingencies Account, in the books of Ontario Hydro;
- (b) "electrical service area" means an electrical service area referred to in subsections 87 (1) to (3);
- (c) "power" means electrical power and includes electrical energy;
- (d) "regulations" means the regulations made under this Part. 1977, c. 28, s. 1, *revised*.

Electrical
service area
continued

87.—(1) The area within the area municipalities of the City of Waterloo, the Township of Wellesley and the Township of Woolwich is continued as an electrical service area.

Idem

(2) The area within the area municipalities of the City of Kitchener and the Township of Wilmot is continued as an electrical service area.

(3) The area within the area municipalities of the City of Cambridge and the Township of North Dumfries is continued as an electrical service area. 1977, c. 28, s. 2 (1), *revised*.

Idem

(4) The hydro-electric commission established by *The Waterloo Electrical Service Areas Act, 1977* for each of the electrical service areas is continued and each commission shall be deemed to be a commission established under Part III of the *Public Utilities Act* by the councils of the area municipalities comprising the electrical service area served by the commission acting in concert and a municipal commission within the meaning of the *Power Corporation Act*, and section 44 of the *Public Utilities Act* does not apply to the commissions.

Commissions continued
1977, c. 28

R.S.O. 1980,
c. 423

R.S.O. 1980,
c. 384

(5) The commission for the electrical service area referred to in subsection (1) shall be known as the ESA-1 Hydro-Electric Commission and shall consist of the mayor of the City of Waterloo, the mayor of the Township of Woolwich, the mayor of the Township of Wellesley, three additional members who are qualified electors under the *Municipal Elections Act* in the City of Waterloo, and one additional member who is a qualified elector under the *Municipal Elections Act* in the Township of Woolwich.

Composition

R.S.O. 1980,
c. 308

(6) The commission for the electrical service area referred to in subsection (2) shall be known as the ESA-2 Hydro-Electric Commission and shall consist of the mayor of the City of Kitchener, the mayor of the Township of Wilmot, four additional members who are qualified electors under the *Municipal Elections Act* in the City of Kitchener, and one additional member who is a qualified elector under the *Municipal Elections Act* in the Township of Wilmot.

Idem

(7) The commission for the electrical service area referred to in subsection (3) shall be known as the ESA-3 Hydro-Electric Commission and shall consist of the mayor of the City of Cambridge, the mayor of the Township of North Dumfries, and three additional members who are qualified electors under the *Municipal Elections Act* in the City of Cambridge.

Idem

(8) The name of a commission may be changed by resolution of the commission to a name commencing with the words "Hydro-Electric Commission of". 1977, c. 28, s. 2 (2-6).

Names of commissions

(9) The additional members in respect of each area municipality shall be elected by a general vote of the electors of the area municipality, unless before the 1st day of January, 1978 the council of the area municipality provides by by-law that the additional member or members in respect of that area municipality shall be appointed by the council.

Additional members of commissions

Eligibility
of members
of council

(10) Members of the councils of the area municipalities comprising an electrical service area may be appointed as members of the commission, but the members of the councils shall not form a majority of the commission.

Term of
office

(11) A member of a commission shall hold office for the same term as the members of council or until his successor is elected or appointed.

Delegates

(12) The council of an area municipality may, by by-law passed with the written consent of the mayor, appoint a delegate from among the members of the council to represent the mayor on the commission.

Filling of
vacancies

(13) Where a vacancy in a commission occurs from any cause, the council of the area municipality in respect of which the person whose seat became vacant was elected or appointed shall immediately appoint a successor who shall hold office during the remainder of the term for which his predecessor was elected or appointed.

Salary

(14) Subject to the approval of Ontario Hydro, the salaries or other remuneration of the commissioners shall from time to time be fixed by the council of the area municipality in respect of which they are elected or appointed.

Resignation

(15) A resignation from a council by a member of the council who is a member of a commission shall be deemed to be a resignation from both the commission and the council. 1977, c. 28, s. 2 (8-14).

Powers of
commissions
R.S.O. 1980,
c. 423

88.—(1) Except as herein provided, all the powers, rights, authorities and privileges that are conferred by the *Public Utilities Act* on a municipal corporation with respect to power, shall be exercised on behalf of the area municipalities comprising an electrical service area by the commission established in respect of that electrical service area and not by the council of any area municipality or the Regional Council or any other person or body.

Idem

R.S.O. 1980,
c. 332

(2) Subject to subsection (4) and to any subsisting contracts for the supply of power to customers within the meaning of subsection 37 (1) of the *Ontario Energy Board Act*, each commission has the sole right to supply power within its electrical service area, and, on behalf of the area municipalities within its electrical service area, may contract with Ontario Hydro for the transmission and supply to the commission of power to be distributed and sold within its electrical service area without electoral assent or other approval or authorization and such a contract shall be deemed to be an agreement within the meaning of clause 149 (2) (s) of the *Municipal Act*.

R.S.O. 1980,
c. 302

(3) Except where inconsistent with the provisions of this Part, the provisions of the *Power Corporation Act* applicable to a municipal corporation that has entered into a contract with Ontario Hydro for the supply of power to the municipal corporation apply to each of the commissions.

Application
of
R.S.O. 1980,
c. 384

(4) With the consent of a commission, Ontario Hydro may supply power directly to customers within the electrical service area in respect of which the commission is established.

Direct
customers

1977,
c. 28, s. 3 (1-4).

(5) On the 1st day of January, 1978, all assets under the control and management of and all liabilities of hydro-electric commissions and public utilities commissions distributing and selling power in an electrical service area to the extent that they pertain to the distribution and supply of power in the electrical service area are, without compensation, assets under the control and management of and liabilities of the commission established in respect of the electrical service area.

Transfer of
assets and
liabilities

(6) Subject to subsection (4) and the regulations, each commission shall acquire, on behalf of the area municipalities comprising the electrical service area served by the commission, the retail distribution facilities within its electrical service area used by Ontario Hydro on the 31st day of December, 1977 in the retail distribution of power including equipment leased by Ontario Hydro to retail customers within the electrical service area for the use of such power, and the price of the facilities shall be equal to the original cost of the facilities less the sum of the accumulated net retail equity of the customers supplied with power through the facilities and the accumulated depreciation associated with the facilities.

Purchase of
retail distribution
facilities
from
Ontario
Hydro

(7) If the price of the facilities referred to in subsection (6) has not been determined by the parties before the 1st day of July, 1978, the price shall be determined by arbitration by a single arbitrator pursuant to the *Arbitrations Act* in accordance with subsection (6) and the regulations and the decision of the arbitrator shall not be subject to appeal.

Where price
to be determined
by
arbitration
R.S.O. 1980,
c. 25

89.—(1) All real property transferred pursuant to section 88 to the control and management of a commission or otherwise acquired by or for the commission, shall be taken and held by the commission in trust for the area municipalities comprising the electrical service area served by the commission.

Vesting
of real
property

(2) Where a commission is of the opinion, and so declares by resolution, that any real property under its control and management is not required for its purposes, unless otherwise agreed upon by the commission and the area municipalities comprising the electrical service area served by the commission, the real property may be disposed of as follows:

Disposition
of real
property

1. In the event that the area municipality in which the real property is located wishes in good faith to retain the real property for a municipal purpose, it shall compensate the commission for the real property at its actual cost, less accrued depreciation as shown on the books of the commission or the assessed value of the real property, whichever is the greater and the area municipality may sell, lease or otherwise dispose of the real property without the assent of Ontario Hydro and may retain the proceeds of the sale, lease or disposition as municipal funds.
2. In the event that the area municipality in which the real property is located does not wish to retain the real property in accordance with paragraph 1, the commission shall, as soon as practicable, sell, lease or otherwise dispose of the real property at fair market value on behalf of the area municipalities comprising the electrical service area, and the net proceeds derived from the sale, lease or other disposition of the real property or the compensation paid therefor pursuant to this subsection shall be paid over to the commission and shall be applied in accordance with the *Public Utilities Act*, 1977, c. 28, s. 4.

R.S.O. 1980,
c. 423

Borrowing

90.—(1) Except as otherwise provided in this Part, sections 118, 126, 127, 129 and 131 to 150 apply, with necessary modifications, to any borrowing for the purposes of a commission.

Request

(2) With the approval of Ontario Hydro, a commission may request the area municipalities comprising the electrical service area in respect of which the commission is established to approve the borrowing of money and the councils of the area municipalities shall approve or disapprove the borrowing within thirty days of the making of the request.

Approval

(3) Notwithstanding the failure or refusal of the council of an area municipality in an electrical service area in respect of which a commission is established to approve a proposed borrowing, where one or more area municipalities whose equalized assessment is in the aggregate more than 50 per cent of the equalized assessment of the electrical service area approve the proposed borrowing, the area municipalities comprising the electrical service area that approve the proposed borrowing shall apply to the Ontario Municipal Board for approval of the proposed borrowing on behalf of all the area municipalities comprising the electrical service area.

(4) Notwithstanding the failure or refusal of an area municipality to approve a borrowing under this section and subject to section 35 of the *Public Utilities Act*, each area municipality within an electrical service area is liable for such proportion of the payments required to be made on account of any borrowing under this section as the equalized assessment of the municipality bears to the equalized assessment of the electrical service area. 1977, c. 28, s. 5.

Responsi-
bility of area
municipalities
R.S.O. 1980,
c. 423

91.—(1) Each commission shall file annually with the council of each area municipality in the electrical service area served by the commission a statement of the affairs of the commission and its capital borrowing forecast.

Financial
statements

(2) The accounts of each commission shall be audited by such of the auditors of the area municipalities comprising the electrical service area served by the commission as may be jointly appointed by identical by-laws of the councils of the area municipalities. 1977, c. 28, s. 6.

Auditors

92.—(1) In this section, “transfer date”, when used in respect of an employee of a public utilities commission, hydro-electric commission or Ontario Hydro, means the date on which a commission assumes liability for the payment of the wages or salary of the employee.

Interpre-
tation

(2) On or before the 31st day of December, 1977, each hydro-electric commission and public utilities commission in the electrical service areas and Ontario Hydro shall designate those of their employees who were employed in the distribution and supply of power in the electrical service areas on the 1st day of January, 1977, and who continued such employment until the 31st day of December, 1977 or until their transfer dates, as the case may be, and the commissions shall offer employment to the employees so designated.

Transfer of
employees

(3) A person who accepts employment under this section is entitled to receive, for a period of one year commencing on his transfer date, a wage or salary not less than the wage or salary he was receiving on the day nine months before the transfer date.

Wages or
salaries

(4) Each commission shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the 12th day of July, 1977, and a person who accepts employment under this section shall be deemed to continue or to become a member of the System, as the case requires, on his transfer date, and the *Ontario Municipal Employees Retirement System Act* and the regulations under that Act apply to such person as a member of the System.

Partici-
pation in
O.M.E.R.S.

R.S.O. 1980,
c. 348

Supple-
mentary
agreements

(5) Where a person who accepts employment under this section with a commission is entitled to the benefit of a supplementary agreement between a hydro-electric commission or public utilities commission operating within an electrical service area and the Ontario Municipal Employees Retirement Board immediately before his transfer date, the commission shall assume, in respect of the person, all rights and obligations under the supplementary agreement as if the commission had been a party to the agreement in the place of the hydro-electric commission or public utilities commission.

Transfer of
pension
credits from
Ontario
Hydro plan

(6) Where a person who accepts employment under this section is a contributor to The Pension and Insurance Fund of Ontario Hydro immediately before his transfer date, the present value of the pension earned by the person in The Pension and Insurance Fund of Ontario Hydro at the transfer date or the contributions of the person in the Fund with interest accumulated and credited to the person in the Fund, whichever is the greater, shall be transferred to the Ontario Municipal Employees Retirement Fund and the person shall be given credit in the Ontario Municipal Employees Retirement System for a period of service equal to the period of service for which he was given credit in The Ontario Hydro Pension and Insurance Plan.

Pension
guaranteee

(7) Notwithstanding subsection (4), a person who accepts employment under this section with a commission and who,

- (a) was employed by Ontario Hydro immediately before his transfer date; and
- (b) continues in the employment of the commission until he or his beneficiary becomes entitled to a pension benefit,

is entitled to at least the pension benefit to which he would have been entitled under The Ontario Hydro Pension and Insurance Plan if his years of continuous service with the commission had been additional years of continuous service with Ontario Hydro and if there had been no change in the Plan after the 31st-day of December, 1977, calculated on the basis of the wage or salary paid to the person by Ontario Hydro and the commission, and the cost, if any, of the pension benefit over the cost of the pension benefit to which the person is entitled under subsection (4) shall be apportioned and paid as provided by the regulations.

Group
life
insurance

(8) A person who accepts employment under this section is entitled as a term of his employment to continue as

a member of the group life insurance plan in which he was a member with his former employer until the effective date of a common group life insurance plan covering all eligible employees of his new employer.

(9) Each commission shall provide a common group life insurance plan covering all of the eligible employees of the commission, and the plan shall provide to any person accepting employment under this section as a term of his employment, by option or otherwise, insurance coverage not inferior to the insurance coverage to which the person was entitled immediately before his transfer date. Idem

(10) A person who accepts employment under this section shall continue to enjoy as a term of his employment the rights and benefits of sick leave entitlements or sick leave insurance provided by his former employer immediately before the transfer date until the new employer establishes a sick leave entitlement plan or sick leave insurance plan, and thereupon the person shall receive allowance or credit for any accrued sick leave rights or benefits. Sick leave

(11) The commissions shall continue the provision of life insurance to pensioners formerly employed in the distribution and supply of power in the electrical service areas by public utilities commissions, and municipal hydro-electric commissions. Life insurance provided to pensioners

(12) Nothing in this section prevents an employer from terminating the employment of an employee for cause. Termination for cause

(13) Where, under this section, an employee, in the opinion of the Minister, experiences any difficulty or hardship with regard to life insurance benefits, pension rights, pension benefits or sick leave rights or benefits, the Minister by order may do anything necessary to remedy or alleviate such difficulty or hardship. 1977, c. 28, s. 7. Special circumstances

93. For the purposes of section 178 of *The Regional Municipality of Waterloo Act, 1972*, the 2nd day of January, 1978 is the date determined and designated by the Minister, and on that date the municipal hydro-electric commissions and public utilities commissions referred to therein are dissolved and the by-laws establishing them passed pursuant to section 37 of the *Public Utilities Act* shall be deemed to be repealed and the assent of the municipal electors is not required. 1977, c. 28, s. 8. Dissolution of existing commissions 1972, c. 105 R.S.O. 1980, c. 423

94. The Lieutenant Governor in Council may make regulations, Regulations

(a) for the purposes of subsection 88 (8) in respect of,

- (i) the method of determining the original cost of the facilities or of any facility or of any part of any facility,
- (ii) the allocation of the original cost of the facilities or of any facility or of any part of any facility,
- (iii) the method of determining the amount of any component of the accumulated net retail equity,
- (iv) the allocation of the accumulated net retail equity or any component of the accumulated net retail equity,
- (v) the method of calculating accumulated depreciation or any component of accumulated depreciation,
- (vi) the allocation of accumulated depreciation or any component of accumulated depreciation,
- (vii) the method of payment of the price of the facilities;

(b) for the purposes of subsection 92 (7), in respect of the apportionment of the excess cost of any benefit referred to in the subsection and the payment of the excess cost or any part thereof. 1977, c. 28, s. 9.

PART VII

PLANNING

Planning
area

R.S.O. 1980,
c. 379

95.—(1) On and after the 1st day of January, 1973, the Regional Area is defined as, and shall continue to be, a joint planning area under the *Planning Act* to be known as the Waterloo Planning Area. 1972, c. 105, s. 94 (1).

Designated
municipality

(2) The Regional Corporation is the designated municipality within the meaning of the *Planning Act* for the purposes of the Waterloo Planning Area and each area municipality is the designated municipality within the meaning of the *Planning Act* for the purposes of the subsidiary planning area it constitutes. 1978, c. 33, s. 51.

Planning
areas
dissolved

(3) All planning areas and subsidiary planning areas that are included in the Waterloo Planning Area together with the boards thereof are dissolved on the 31st day of December, 1972.

(4) Each area municipality is constituted a subsidiary planning area effective the 1st day of January, 1973, and the council thereof shall have all the powers of a planning board under the *Planning Act* and no area municipality shall establish a planning board.

Area municipalities subsidiary planning areas
R.S.O. 1980,
c. 379

(5) Nothing in subsections (3) and (4) affects any official plan in effect in any part of the Regional Area.

Proviso

(6) When the Minister of Housing has approved an official plan adopted by the Regional Council,

Effect of official plan

(a) every official plan and every by-law passed under section 39 of the *Planning Act* or a predecessor thereof then in effect in the planning area affected thereby shall be amended forthwith to conform therewith; and

(b) no official plan of a subsidiary planning area shall be approved that does not conform therewith. 1972, c. 105, s. 94 (3-6).

96.—(1) The Regional Council shall investigate and survey the physical, social and economic conditions in relation to the development of the Waterloo Planning Area and may perform such other duties of a planning nature as may be referred to it by any council having jurisdiction in the Waterloo Planning Area, and without limiting the generality of the foregoing it shall,

Planning duties of Regional Council

(a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the Waterloo Planning Area;

(b) hold public meetings and publish information for the purpose of obtaining the participation and co-operation of the inhabitants of the Waterloo Planning Area in determining the solution of problems or matters affecting the development of the Waterloo Planning Area; and

(c) consult with any local board having jurisdiction within the Waterloo Planning Area.

(2) The Regional Council, before the 31st day of December, 1975, shall prepare, adopt and forward to the Minister of Housing for approval an official plan for the Regional Area.

Official plan

(3) The Regional Council and the council of each area municipality may appoint such planning committees and staff as it considers necessary. 1972, c. 105, s. 95 (1-3).

Appointment of planning staff

(4) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a

Regional Corporation deemed municipality under R.S.O. 1980, c. 379

planning board for the purposes of section 1, subsections 2 (4), (6) and (7), sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26 and 27, subsection 29 (25), sections 36, 50 and 51 of the *Planning Act* and where the Regional Council meets in respect of matters pertaining to planning for the purposes aforesaid, no separate meeting of the Council as a planning board is required. 1978, c. 33, s. 52.

R.S.O. 1980,
c. 379

Idem

(5) The Regional Council shall be deemed to be a county for the purposes of section 47 of the *Planning Act*.

Agreements
re plans of
subdivision

(6) The Regional Corporation may enter into agreements with area municipalities or persons relating to approval of plans of subdivision.

Agreements
re special
studies

(7) The Regional Corporation, with the approval of the Minister of Housing, may enter into agreements with any governmental authority, or any agency thereof created by statute for the carrying out of studies relating to the Waterloo Planning Area or any part thereof. 1972, c. 105, s. 95 (5-7).

Committees
of
adjustment

(8) All committees of adjustment heretofore constituted by the council of a local municipality in the Waterloo Planning Area are dissolved on the 31st day of December, 1972, and the council of each area municipality shall by by-law constitute and appoint a committee of adjustment under section 48 of the *Planning Act*, but notwithstanding the provisions of such Act no such committee shall have any authority to grant consents referred to in section 29 of such Act.

Land
division
committee

(9) The Regional Council shall, without notice from the Minister, constitute and appoint a land division committee composed of such number of persons not fewer than three as the Regional Council considers advisable, to grant consents referred to in section 29 of the *Planning Act*. 1972, c. 105, s. 95 (9, 10).

Application
of
R.S.O. 1980,
c. 379

97. Except as provided in this Part, the provisions of the *Planning Act* apply. 1972, c. 105, s. 96.

PART VIII

HEALTH AND WELFARE SERVICES

Liability
for hospitali-
zation of
indigents
R.S.O. 1980,
cc. 410, 389

98.—(1) The Regional Corporation shall be deemed to be a city for all the purposes of the provisions of the *Public Hospitals Act* and the *Private Hospitals Act* respecting hospitalization and burial of indigent persons and their dependants, and no area municipality has any liability under such provisions.

Existing
liabilities
transferred

(2) The Regional Corporation is liable for the hospitalization and burial, after the 31st day of December, 1972, of an indigent

person or his dependant who was in hospital on the 31st day of December, 1972, and in respect of whom any local municipality within the Regional Area was liable because the indigent person was a resident of such local municipality or the County of Waterloo.

(3) Nothing in subsection (2) relieves any such local municipality from any liability in respect of hospitalization or burials before the 1st day of January, 1973. 1972, c. 105, s. 98 (1-3). Proviso

99.—(1) The Regional Council may pass by-laws for granting aid for the construction, erection, establishment, acquisitions, maintenance, equipping and carrying on the business of public hospitals including municipal hospitals and other health care facilities in the Regional Area and may issue debentures therefor. 1972, c. 105, s. 99 (1). Aid to hospitals

(2) The Regional Corporation shall pay to any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding indebtedness of the area municipality in respect of aid granted by a local municipality for the purposes mentioned in subsection (1), prior to the 1st day of January, 1973, and if the Regional Corporation fails to pay such amounts before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 56. Responsibility of Regional Corporation

(3) Notwithstanding the provisions of any general or special Act, payments made under this section shall form part of the levy under section 118. 1972, c. 105, s. 99 (3). Hospital costs form part of regional levy

100.—(1) On the 1st day of July, 1975, the Regional Area health unit, and the Waterloo Regional Board of Health are dissolved, and the assets and liabilities of the Board become the assets and liabilities of the Regional Corporation without compensation, and the Regional Corporation shall stand in the place and stead of the Waterloo Regional Board of Health for the purposes of any agreements entered into, orders made, or matters commenced by that Board, and for the purposes of any proceedings which have been or may be instituted against that Board. Health unit and Board dissolved

(2) The Regional Corporation shall have all the powers and rights and be subject to all the duties conferred or imposed on a local board of health for a municipality by the *Public Health Act* and shall perform all the functions of such a board, and the functions which would have been performed by the local board or the medical officer of health or the public health inspector of an area municipality shall be performed by the Regional Corporation or the medical Regional Corporation to have powers, etc., of local board of health
R.S.O. 1980, c. 409

officer of health or the health inspector of the Regional Corporation, as the case may be.

Regional Corporation deemed municipality

(3) The Regional Corporation shall be deemed to be a municipality for the purposes of the *Public Health Act*.

Non-application of R.S.O. 1980, c. 409

(4) Section 19 of the *Public Health Act* does not apply to the Regional Corporation, and section 21 of that Act does not apply to the clerk of the Regional Corporation.

Non-application of R.S.O. 1980, c. 409

(5) Sections 17 and 39 of the *Public Health Act* do not apply to an area municipality.

Regional Corporation deemed local board

(6) The Regional Corporation shall be deemed to be a local board of health for a municipality for the purposes of sections 25 and 149 and subsections 132 (2) and (5) and Schedule B of the *Public Health Act*.

Clerk deemed secretary of local board of health

(7) The clerk of the Regional Corporation shall be deemed to be the secretary of a local board for the purposes of sections 28 and 92 and subsection 27 (2) and subsection 78 (7) and Schedule B of the *Public Health Act*.

Application of R.S.O. 1980, c. 409

(8) For the purposes of sections 37 and 129 and subsection 150 (2) of the *Public Health Act*, an order made by the Regional Council pursuant to the powers conferred on the Regional Corporation by this section shall be deemed to be an order made by a local board.

Medical officer of health, etc., deemed appointed under R.S.O. 1980, c. 409

(9) The medical officer of health and the public health inspector and all other classes of persons referred to in subsection 39 (7) of the *Public Health Act* employed by the Regional Corporation pursuant to subsection (13) shall be deemed to have been duly appointed under section 39 of the *Public Health Act* and shall have all the powers, rights and privileges and be subject to all the duties conferred or imposed upon such persons by that Act or any other Act.

Application of R.S.O. 1980, c. 409

(10) For the purposes of subsection 127 (1) of the *Public Health Act* a request to the Minister of Health by the Regional Corporation shall be deemed to be a request by a local board.

Application of R.S.O. 1980, c. 409

(11) The Regional Corporation may exercise the powers conferred by sections 157 and 158 of the *Public Health Act*, and no area municipality may exercise such powers.

Recovery of expenditures

(12) Where the Regional Corporation or the medical officer of health or a public health inspector of the Regional Corporation has incurred expenditures which under the

Public Health Act may be recovered by levying the amount thereof against rateable property in a municipality or by adding the amount thereof to the collector's roll and collecting such amount in a like manner as municipal taxes, the Regional Council may, by by-law, direct the appropriate area municipality to levy such amount or to add such amount to its collector's roll, as the case may be, and to collect the same in accordance with the provisions of the *Public Health Act*, and the council of an area municipality shall forthwith upon receiving a direction under this subsection comply therewith, and any moneys collected pursuant to this subsection shall forthwith be paid over to the treasurer of the Regional Municipality.

R.S.O. 1980,
c. 409

(13) The Regional Corporation shall offer to employ every person who on the 30th day of June, 1975, is employed by the Waterloo Regional Board of Health, and any person who accepts employment offered under this subsection shall be entitled to receive a wage or salary up to and including the 30th day of June, 1976, of not less than he was receiving on the 30th day of June, 1975.

Offer of
employment

(14) Subsections 24 (2), (3) and (5) apply with necessary modifications to the Regional Corporation and to persons employed under subsection (13) as though such persons were employed on the 30th day of June, 1975, by a local board of a local municipality within the Regional Area.

Application of
s. 24 (2, 3, 5)

(15) Where a person employed under subsection (13) was not employed under a collective agreement on the 30th day of June, 1975, the Regional Corporation shall place to the credit of such person the sick leave credits standing to his credit on such date in the sick leave credit plan of the Waterloo Regional Board of Health.

Sick leave
credits

(16) Nothing in subsections (13), (14) and (15) prevents the Regional Corporation from terminating the employment of an employee for cause. 1975, c. 46, s. 11.

Termination
of
employment

101.—(1) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a city and no area municipality shall be deemed to be a municipality:

Regional
Corporation
deemed city
under
R.S.O. 1980,
cc. 21, 263,
463, 527

1. *Anatomy Act*.

2. *Mental Hospitals Act*.

3. *Sanatoria for Consumptives Act.*4. *War Veterans Burial Act.*

Regional
Corporation
deemed
county
under
R.S.O. 1980,
cc. 111, 188,
200

(2) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a county and no area municipality shall be deemed to be a municipality:

1. *Day Nurseries Act.*2. *General Welfare Assistance Act.*3. *Homemakers and Nurses Services Act.* 1972, c. 105, s. 102.

Liability
for homes
for aged
R.S.O. 1980,
c. 203

102.—(1) The Regional Corporation shall be deemed to be a county for the purposes of the *Homes for the Aged and Rest Homes Act*, and no area municipality has any authority as to the establishment, erection and maintenance of a home for the aged under such Act.

Waterloo
county
home for
aged vested
in Regional
Corporation

(2) The Waterloo County Home for the Aged known as Sunnyside and all assets and liabilities thereof together with all the real and personal property of such home, vest in the Regional Corporation on the 1st day of January, 1973, without compensation. 1972, c. 105, s. 103.

Residents of
other homes
for the
aged

103.—(1) The Regional Corporation shall pay to the board of management of any home for the aged located outside the Regional Area the cost of maintenance in such home, incurred after the 31st day of December, 1972, of every resident of such home who was admitted thereto due to residence in an area that becomes part of an area municipality.

Amount of
maintenance
payment

(2) The amount payable by the Regional Corporation under subsection (1) shall be such as may be agreed upon or, failing agreement, as may be determined by the Municipal Board. 1972, c. 105, s. 104.

Area
municipality
not
deemed
municipality
under
R.S.O. 1980,
c. 66

104. No area municipality shall be deemed to be a municipality for the purposes of the *Child Welfare Act*. 1972, c. 105, s. 105.

Liability
under
order made
under
R.S.C. 1970,
c. J-3

105. Where an order is made under subsection 20 (2) of the *Juvenile Delinquents Act* (Canada) upon an area municipality, such order shall be considered to be an order upon the Regional Corporation, and the sums of money required to be paid under such order shall be paid by the Regional Corporation and not by the area municipality. 1972, c. 105, s. 107.

106. Every area municipality and every officer or employee thereof shall, at the request of the officers of the Regional Corporation who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Part. 1972, c. 105, s. 108. Information

107. In the event that there is any doubt as to whether the Regional Corporation is liable under this Part in respect of the liabilities imposed herein, the matter may be settled by agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board. 1972, c. 105, s. 109. Adjustments

108. The Regional Corporation may grant aid to approved corporations established under the *Homes for Retarded Persons Act*, and may enter into agreements with any of such corporations with respect to the construction, operation and maintenance of homes for retarded persons. 1972, c. 105, s. 110. Grants etc.,
to approved
corporations
under
R.S.O. 1980,
c. 201

PART IX

POLICE

109. In this Part, "Waterloo Police Board" means the Waterloo Regional Board of Commissioners of Police. 1972, c. 105, s. 112. Interpre-
tation

110.—(1) The board of commissioners of police known as the Waterloo Regional Board of Commissioners of Police is continued and shall consist of, Waterloo
Regional
Board
continued

(a) two members of the Regional Council appointed by resolution of the Regional Council;

(b) a judge of a court having jurisdiction in the Judicial District of Waterloo designated by the Lieutenant Governor in Council; and

(c) two persons appointed by the Lieutenant Governor in Council.

(2) Three members of the Waterloo Police Board, including a member appointed by the Regional Council, are necessary to form a quorum. 1972, c. 105, s. 113 (1, 2). Quorum

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under the *Police Act*, to Remunera-
tion
R.S.O. 1980,
c. 381

the members of the Waterloo Police Board appointed by the Lieutenant Governor in Council. 1978, c. 33, s. 53.

Regional
Corporation
deemed
city under
R.S.O. 1980,
c. 381

111.—(1) On and after the 1st day of January, 1973,

- (a) the Regional Corporation shall be deemed to be a city having a population of more than 15,000 according to the last municipal census for the purposes of the *Police Act*, except subsections 8 (1) to (4) thereof;
- (b) the *Police Act*, except section 70, does not apply to any area municipality; and
- (c) the Waterloo Police Board and the members of the Waterloo Regional Police Force shall be charged with the same duties with respect to by-laws of the area municipalities as with respect to by-laws of the Regional Corporation. 1972, c. 105, s. 114 (1); 1978, c. 33, s. 54.

Fines

(2) The fines imposed for the contravention of the by-laws of any area municipality, shall where prosecuted by The Waterloo Regional Police Force, belong to the Regional Corporation and, where prosecuted by any other person, belong to the area municipality whose by-law has been contravened. 1972, c. 105, s. 114 (2).

Area police
force

112.—(1) Every person who is a member of a police force of a local municipality within the Regional Area on the 1st day of April, 1972, and continues to be a member until the 31st day of December, 1972, shall, on the 1st day of January, 1973, become a member of the Waterloo Regional Police Force, and the provisions of subsections 24 (5) and (12) apply to such members. 1972, c. 105, s. 115 (1); 1973, c. 137, s. 6 (1).

Waterloo
Regional
Police
Force

(2) Every person who is a member of a police force of a local municipality on the 31st day of December, 1972, and becomes a member of the Waterloo Regional Police Force on the 1st day of January, 1973, is subject to the government of the Waterloo Police Board to the same extent as if appointed by the Waterloo Police Board and the Waterloo Regional Police Association shall be entitled to make representations to such Board in respect of by-laws and regulations enacted for the government of the Waterloo Regional Police. 1972, c. 105, s. 115 (2).

Terms of
employment

(3) Every person who becomes a member of the Waterloo Regional Police Force under subsection (1) shall,

- (a) be considered to have elected to participate in the Ontario Municipal Employees Retirement System if he was a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment by the Waterloo Police Board and such member shall have uninterrupted membership in the Ontario Municipal Employees Retirement System, and to participate in the Ontario Municipal Employees Retirement System supplementary plan as established for the City of Kitchener Police Force;
- (b) with the exception of civilian employees and assistants, be retired on the last day of the month in which the member attains the age of sixty years;
- (c) have credited to him in the Waterloo Regional Police Force the total number of years of service that he had in the police force of the local municipality of which he was a member immediately prior to the 1st day of January, 1973;
- (d) receive such sick leave credits and benefits in the sick leave credit plan which shall be established by the Waterloo Police Board as he had standing to his credit in the plan of the local municipality; and
- (e) not be transferred without his consent to serve on a permanent basis in a detachment farther than in an area municipality adjoining the area municipality in which his present detachment headquarters are located. 1972, c. 105, s. 115 (3); 1973, c. 137, s. 6 (2).

(4) Every civilian employee and assistant of the Waterloo Regional Police Force shall be retired on the last day of the month in which he attains the age of sixty-five years. 1973, c. 137, s. 6 (3), *part*. Retirement
of
civilians

(5) On or before the 1st day of November, 1972, the members of the municipal police forces within the Regional Area shall appoint a joint bargaining committee to represent all municipal police forces to bargain with the Waterloo Police Board in the manner and for the purposes provided in the *Police Act* and the Waterloo Police Board shall be the sole negotiating body to bargain with such committee. Joint
bargaining
committee

(6) Section 100 of the *Municipal Act* applies with necessary modifications to the Waterloo Police Board. 1973, c. 137, s. 6 (3), *part*. Application
of
R.S.O. 1980,
c. 302

Assumption
of buildings

113.—(1) The Regional Council shall, before the 1st day of January, 1973, pass by-laws which shall be effective on such date assuming for the use of the Waterloo Police Board any such land or building that the Waterloo Police Board may require that is vested on the 1st day of July, 1972, in any local municipality or local board thereof, and at least 40 per cent of which is used on such date for the purposes of the police force of that municipality, and on the day any such by-law becomes effective the property designated therein vests in the Regional Corporation. 1972, c. 105, s. 116 (1).

Extension
of time

(2) Notwithstanding subsection (1), a by-law for assuming any land or building mentioned in subsection (1), with the approval of the Municipal Board, may be passed after the 1st day of January, 1973, and in that case the by-law shall become effective on the date provided therein.

Building
not used
exclusively
for police
force

(3) Where any part of a building mentioned in subsection (1) is used by the local municipality or a local board thereof for other than police purposes, the Regional Corporation may,

- (a) where practicable, assume only the part of the building and land appurtenant thereto used for the purposes of the police force of such municipality; or
- (b) vest the building and land appurtenant thereto in the Regional Corporation and enter into an agreement with such municipality or local board thereof for the use of a part of the building by such municipality or local board on such terms and conditions as may be agreed upon.

Regional
Corporation
liability

(4) Where the Regional Corporation assumes any property under subsection (1) or (2),

- (a) no compensation or damage shall be payable to the local municipality or local board except as provided in this subsection;
- (b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any property vested in the Regional Corporation; and
- (c) the Regional Corporation shall thereafter pay to the area municipality for the portion of any land or building vested in the Regional Corporation under this section that is not used for police purposes on the

1st day of July, 1972, such amount as may be agreed upon and failing agreement the Municipal Board, upon application, may determine the amount, and its decision is final, provided such amount shall not be greater than the capital expenditure for such portion of such land or building less the amount of any outstanding debt in respect of such portion. 1972, c. 105, s. 116 (3-5).

(5) If the Regional Corporation fails to make any payment on or before the due date required by clause (4) (b), the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 57. ^{Default}

(6) Where a building vested in a local municipality or local board is used partly by the police force of the municipality and is not vested in the Regional Corporation under this section, the area municipality at the request of the Waterloo Police Board on or after the 1st day of January, 1973, shall provide, at such rental as may be agreed upon, at least as much accommodation in such building for the use of the Waterloo Police Board as was being provided by the local municipality for its police force on the 1st day of July, 1972, and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final. ^{Accommodation}

(7) At the request of the Waterloo Police Board, each area municipality, for the use of the Waterloo Police Board, ^{Office supplies, etc.}

(a) shall transfer to the Regional Corporation without compensation all personal property, including office supplies and stationery in the possession of the area municipality on the 1st day of January, 1973, that was provided for the exclusive use of the police force of the area municipality; and

(b) shall make available to the Regional Corporation all personal property the use of which was shared by the police force and any department or departments of the area municipality on the 1st day of January, 1973, on the same terms and to the same extent as the police force used the property before such date.

(8) All signal and communication systems owned by any local municipality and used for the purposes of the police force of the municipality on the 1st day of July, 1972, or thereafter, are vested in the Regional Corporation for the use of the Waterloo Police Board on the 1st day of January, 1973, and ^{Signal system transferred}

no compensation shall be payable to the municipality therefor and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system, and if the Regional Corporation fails to make any payment on or before such due date, the area municipality may charge the Regional Corporation interest at the rate of 12 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made.

Settling
of doubts

(9) In the event of any doubt as to whether,

(a) any outstanding debt or portion thereof was incurred in respect of any property assumed; or

(b) any land or building is used at least 40 per cent for the purposes of a police force,

the Municipal Board, upon application, may determine the matter and its decision is final. 1972, c. 105, s. 116 (7-10).

Property
to be
provided

114. The Regional Corporation shall provide all real and personal property necessary for the purposes of the Waterloo Police Board. 1972, c. 105, s. 117.

PART X

FINANCES

Interpre-
tation
R.S.O. 1980,
c. 31

115. In this Part, "rateable property" includes business and other assessment made under the *Assessment Act*. 1972, c. 105, s. 119 (1).

Investment
of moneys
not
immediately
required
R.S.O. 1980,
c. 302
Deemed
municipi-
pality for
purposes of
R.S.O. 1980,
c. 102, s. 35

116.—(1) Section 169 of the *Municipal Act* applies with necessary modifications to the Regional Corporation. 1972, c. 105, s. 120.

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of section 35 of the *Credit Unions and Caisses Populaires Act*. 1979, c. 81, s. 58.

YEARLY ESTIMATES AND LEVIES

Yearly
estimates

117.—(1) The Regional Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the Regional Corporation, including the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation, and such

estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Ministry may from time to time prescribe.

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and amount as the Ministry may approve. 1972, c. 105, s. 121 (1, 2). Allowance to be made in estimates

(3) Section 33 of the *Assessment Act* and section 465 of the *Municipal Act* apply with necessary modifications to the Regional Corporation. 1972, c. 105, s. 121 (6). Application of R.S.O. 1980, cc. 31, 302

118.—(1) The Regional Council in each year shall levy against the area municipalities a sum sufficient, Levy on area municipalities

(a) for payment of the estimated current annual expenditures as adopted; and

(b) for payment of all debts of the Regional Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the Regional Corporation is liable under this Act.

(2) The Regional Council shall ascertain and by by-law direct what portion of the sum mentioned in subsection (1) shall be levied against and in each area municipality. Apportionment

(3) Subject to subsection (10), all amounts levied under subsection (1) shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the Regional Area, according to the last revised assessment rolls. Idem

(4) The Ministry of Revenue shall revise, equalize and weight the last revised assessment rolls of the area municipalities and, for the purpose of subsection (3), the last revised assessment rolls for the area municipalities as so revised, equalized and weighted by the Ministry of Revenue shall be deemed to be the last revised assessment rolls of the area municipalities. Equalized assessment

(5) Subsection (4) shall cease to apply on a date to be determined by order of the Minister. When subs. (4) ceases to apply

Copy to
Regional
Corporation
and area
municipality

(6) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment, the Ministry of Revenue shall notify the Regional Corporation and each of the area municipalities of the revised, equalized and weighted assessment of each area municipality.

Appeal

(7) If any area municipality is not satisfied with the assessment as revised, equalized and weighted by the Ministry of Revenue, the area municipality may appeal from the decision of the Ministry of Revenue by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised, equalized and weighted assessment was sent to the area municipality by the Ministry of Revenue.

Idem

(8) Every notice of revision, equalization and weighting made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision, equalization and weighting.

Amendment
of by-law
where
necessary
following
appeal

(9) Where the last revised assessment of the area municipality has been revised, equalized and weighted by the Ministry of Revenue and has been appealed, the Regional Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection (2) so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and,

- (a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the treasurer of the Regional Corporation; and
- (b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the treasurer of the Regional Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the treasurer of the Regional Corporation shall pay the amount of the decrease to the treasurer of the area municipality.

Fixed
assessments,
etc., not to
apply

R.S.O. 1980,
c. 31

(10) The apportionment of the levy among the area municipalities as provided for in subsections (2) and (3) shall be based on the full value of all rateable property, and, notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 22 of the *Assessment Act*, or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of the *Assessment Act*. 1972, c. 105, s. 122 (1-10).

(11) The assessment upon which the levy among the area municipalities shall be apportioned shall include the valuations of all properties for which payments in lieu of taxes which include a payment in respect of regional levies are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or Ontario Hydro to any area municipality and the amount by which the assessment of an area municipality shall be deemed to be increased by virtue of payments under section 160 of the *Municipal Act* and section 4 of the *Provincial Parks Municipal Tax Assistance Act*. 1972, c. 105, s. 122 (11); 1973, c. 57, s. 19.

Assessment to include valuations on properties for which payments in lieu of taxes paid
R.S.O. 1980, c. 302, 402

(12) The clerk of an area municipality shall transmit to the Ministry of Revenue within fourteen days of a payment in lieu of taxes, a statement of the valuations of real property in the area municipality upon which such payment was made together with a statement showing the computations of such payment, and the Ministry of Revenue shall revise, equalize and weight the valuations, and shall thereupon notify the Regional Corporation and the appropriate area municipality of the revised, equalized and weighted valuations.

Valuation of properties

(13) One by-law or several by-laws for making the levies may be passed as the Regional Council may consider expedient.

Levy by-laws

(14) Subject to subsections 36 (4), (5) and (6) of the *Assessment Act*, in each area municipality the regional levy shall be calculated and levied upon the whole rateable property rateable for such purpose within such area municipality according to the last revised assessment roll thereof.

Regional levy
R.S.O. 1980, c. 31

(15) All moneys levied against an area municipality under the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the Regional Corporation and the treasurer of every area municipality shall pay the moneys so levied to the treasurer of the Regional Corporation at the times and in the amounts specified by the by-law of the Regional Council mentioned in subsection (2). 1972, c. 105, s. 122 (12-15).

Payment

(16) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 15 per cent per annum, or such lower rate as the Regional Council determines, from the date payment is due until it is made. 1979, c. 81, s. 59.

Default

119.—(1) The Ministry of Revenue shall revise, equalize and weight each part of the last revised assessment roll of the area municipalities that relates to a merged area and each such part of the last revised assessment roll of each of the area

Equalization of assessment of merged areas

municipalities as revised, equalized and weighted is final and binding.

Notice

(2) Upon completion by the Ministry of Revenue of the revision, equalization and weighting of assessment in an area municipality under subsection (1), the Ministry of Revenue shall notify the area municipality of the revised, equalized and weighted assessment.

Apportionment among merged areas
R.S.O. 1980,
cc. 302, 31

(3) The net regional levy and the sums adopted in accordance with section 164 of the *Municipal Act* for all purposes, excluding school purposes, levied against the whole rateable property of an area municipality shall be apportioned among the merged areas of such area municipality in the proportion that the total equalized and weighted assessment of each merged area bears to the total equalized and weighted assessment of the area municipality both according to the last revised assessment roll as equalized and weighted by the Ministry of Revenue under subsection (1), and subsection 26 (9) of the *Assessment Act* shall not apply to any apportionment by an area municipality under this subsection.

Adjustment
of 1973
tax rate

(4) The provisions of this section shall cease to apply on the date determined by the Minister under subsection 118 (5). 1972, c. 105, s. 123.

Levy by
Regional
Council
before estimates
adopted

120.—(1) Notwithstanding section 118, the Regional Council may, before the adoption of estimates for the year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the Regional Council in the preceding year against that area municipality and subsections 118 (15) and (16) apply to such a levy.

Levy under
section 118 to
be reduced

(2) The amount of any levy made under subsection (1) shall be deducted from the amount of the levy made under section 118.

Levy by
area municipality
before estimates
adopted

(3) Notwithstanding section 119, until the date determined by the Minister under subsection 118 (5), the council of an area municipality may in any year by by-law passed before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, before the adoption of the estimates, on the whole of the assessment for real property in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters.

Business
assessment

(4) Where the council of an area municipality has not provided for taking the assessment of business during the same year in which the rates of taxation thereon are to be levied, the council, notwithstanding section 119, until the date determined by the Minister under subsection 118 (5), may, by by-law passed before

the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, before the adoption of the estimates, on the whole of the business assessment in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on business assessment of public school supporters.

(5) The amount of any levy under subsection (3) or (4) shall be deducted from the amount of the levy made under section 119.

Levy under section 119 to be reduced

(6) Subsection 159 (5) of the *Municipal Act* applies to levies made under this section.

Application of R.S.O. 1980, c. 302

(7) Section 159 of the *Municipal Act* does not apply until the date determined by the Minister under subsection 118 (5). 1972, c. 105, s. 124 (2-8).

R.S.O. 1980, c. 302, s. 159 not to apply

121.—(1) For the purposes of levying taxes under Part IV of the *Education Act*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the area municipality shall be deemed to be the council of each such merged area.

Rates under R.S.O. 1980, c. 129

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of the application of section 222 of the *Education Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 119 (1).

Rates for public school purposes on commercial assessment

R.S.O. 1980, c. 129

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 222 of the *Education Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 119 (1).

Rates for public school purposes on residential assessment

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 222 of the *Education Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the area municipi-

Rates for secondary school purposes on commercial assessment

pality, both as equalized by the Ministry of Revenue in accordance with subsection 119 (1).

Rates for
secondary
school
purposes on
residential
assessment
R.S.O. 1980,
c. 129

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 222 of the *Education Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality, both as equalized by the Ministry of Revenue in accordance with subsection 119 (1).

Regulations
under
R.S.O. 1980,
c. 129 to apply

(6) Notwithstanding subsections (2), (3), (4) and (5), where, in any year, a regulation is in force under section 214 of the *Education Act*, the apportionments referred to in the said subsections (2), (3), (4) and (5) shall be made in accordance with such regulation.

Application
of section

(7) The provisions of this section apply until the date determined by the Minister under subsection 118 (5). 1972, c. 105, s. 125.

Transitional
adjustments

122. The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section. 1972, c. 105, s. 126.

RESERVES AND RESERVE FUND

Reserves
R.S.O. 1980,
c. 302

123.—(1) Where, under subsection 164 (2) of the *Municipal Act*, the County of Waterloo has established reserves, those reserves shall become the reserves of the Regional Corporation.

Building
reserve fund

(2) The building reserve fund of the County of Waterloo shall become the building reserve fund of the Regional Corporation. 1972, c. 105, s. 128.

Reserve funds
of municipi-
palities

124.—(1) Reserve funds established by local municipalities for purposes for which the Regional Council has authority to spend funds and for which the council of an area municipality has no authority to spend funds are reserve funds of the Regional Corporation and the assets of such reserve funds are vested in the Regional Corporation.

(2) Reserve funds established by local municipalities, ^{Idem} other than divided municipalities, for purposes for which the councils of area municipalities have authority to spend funds and for which the Regional Council has no authority to spend funds are reserve funds of the area municipality of which the local municipality forms a part and the assets of such reserve funds are vested in such area municipality. 1972, c. 105, s. 131.

125.—(1) The Regional Council may in each year provide ^{Reserve funds, establishment} in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds. 1976, c. 70, s. 21 (1).

(2) The moneys raised for a reserve fund established under ^{Investments and income} subsection (1) shall be paid into a special account and may be invested in such securities as a trustee may invest in under the *Trustee Act*, and the earnings derived from the investment of such ^{R.S.O. 1980, c. 512} moneys form part of the reserve fund. 1972, c. 105, s. 132 (2).

(3) The moneys raised for a reserve fund established under ^{Expenditure of reserve fund moneys} subsection (1) shall not be expended, pledged or applied to any purpose other than that for which the fund was established, unless approved by the Regional Council. 1976, c. 70, s. 21 (2).

(4) The auditor in his annual report shall report on the ^{Auditor to report on reserve funds} activities and position of each reserve fund established under subsection (1). 1972, c. 105, s. 132 (4).

TEMPORARY LOANS

126.—(1) The Regional Council may by by-law, either be- ^{Current borrowings} fore or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize the chairman and treasurer to borrow from time to time by way of promissory note such sums as the Regional Council considers necessary to meet, until the levies and other revenues are received, the current expenditures of the Regional Corporation for the year, including the amounts required for principal and interest falling due within the year upon any debt of the Regional Corporation and the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation.

(2) The amount that may be borrowed at any one time for ^{Limit upon borrowings} the purposes mentioned in subsection (1), together with any similar borrowings that have not been repaid, shall not, except with the approval of the Municipal Board, exceed 70 per cent of the uncollected balance of the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the year.

Temporary
application of
estimates of
preceding
year

(3) Until such estimates are adopted, the limitation upon borrowing prescribed by subsection (2) shall temporarily be calculated upon the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the next preceding year.

Protection
of lender

(4) The lender is not bound to establish the necessity of borrowing the sum lent or to see to its application.

Execution of
promissory
notes

(5) Any promissory note made under the authority of this section shall be sealed with the seal of the Regional Corporation and signed by the chairman or by some other person authorized by by-law to sign it, and by the treasurer, and may be expressed so as to bear interest only upon such money as may be borrowed thereon from the time when such money is actually lent. 1972, c. 105, s. 133 (1-5).

Idem

(6) The signature of the chairman or any other person authorized to sign promissory notes may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced. 1977, c. 34, s. 19.

Creation
of charge

(7) The Regional Council may by by-law provide or authorize the chairman and treasurer to provide by agreement that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, be a charge upon the whole or any part or parts of the revenues of the Regional Corporation for the current year and for any preceding years as and when such revenues are received, provided that such charge does not defeat or affect and is subject to any prior charge then subsisting in favour of any other lender.

Execution of
agreements

(8) Any agreement entered into under subsection (7) shall be sealed with the corporate seal and signed by the chairman and treasurer.

Penalties
for excess
borrowings

(9) If the Regional Council authorizes the borrowing of or borrows any larger amount than is permitted under this section, every member who knowingly votes therefor is disqualified from holding any municipal office for two years.

Penalty for
mis-
application of
revenues by
Regional
Council

(10) If the Regional Council authorizes the application of any revenues of the Regional Corporation charged under the authority of this section otherwise than in repayment of the loan secured by such charge, the members who knowingly vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

(11) If any member of the Regional Council or officer of the Regional Corporation knowingly applies any revenues so charged otherwise than in repayment of the loan secured by such charge, he is personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Penalty for mis-application of revenues by officials

(12) Subsections (9), (10) and (11) do not apply to the Regional Council or any member of the Regional Council or officer of the Regional Corporation acting under an order or direction issued or made under the authority of the *Municipal Affairs Act*, nor do they apply in any case where application of the revenues of the Regional Corporation is made with the consent of the lender in whose favour a charge exists. 1972, c. 105, s. 133 (6-11).

Saving as to penalties
R.S.O. 1980, c. 303

DEBT

127.—(1) Subject to the limitations and restrictions in this Act and the *Ontario Municipal Board Act*, the Regional Council may borrow money for the purposes of,

Debt
R.S.O. 1980, c. 347

- (a) the Regional Corporation;
- (b) any area municipality;
- (c) the joint purposes of any two or more area municipalities,

whether under this or any general or special Act, and may issue debentures therefor on the credit of the Regional Corporation.

(2) All debentures issued pursuant to a by-law passed by the Regional Council under the authority of this Act are direct, joint and several obligations of the Regional Corporation and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities, but nothing in this subsection affects the rights of the Regional Corporation and of the area municipalities respectively as among themselves.

Liability

(3) Notwithstanding any general or special Act, no area municipality has, after the 31st day of December, 1972, power to issue debentures.

Limitation

(4) When an area municipality, prior to the 31st day of December, 1972,

Uncompleted works

- (a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 64 (1) of the *Ontario Municipal Board Act*; and

- (b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

the Regional Council, upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the Regional Corporation for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 131, and no further approval of the Municipal Board is required.

Bonds,
debentures,
etc., trustee
investments

R.S.O. 1980,
c. 512

(5) Bonds, debentures and other evidences of indebtedness of the Regional Corporation shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of the *Trustee Act*. 1972, c. 105, s. 134.

Temporary
borrowing
R.S.O. 1980,
c. 361

128.—(1) Where the Regional Corporation has entered into an agreement under the *Ontario Water Resources Act* whereby the Regional Corporation is entitled to receive moneys from the Crown, the Regional Council pending the receipt of such moneys may, in order to meet expenditures incurred in carrying out the agreement, agree with a bank or a person for temporary advances from time to time.

Application
of proceeds

(2) The proceeds of every advance under this section shall be applied to the expenditures incurred in carrying out the agreement made by the Regional Corporation under the *Ontario Water Resources Act*, but the lender shall not be bound to see to the application of the proceeds and, when the Regional Corporation has received the moneys to which it is entitled from the Crown under the said agreement such moneys shall be applied first in repayment of the advances. 1976, c. 43, s. 43.

Power to
incur debt
or issue
debentures
R.S.O. 1980,
c. 347

129. Subject to the limitations and restrictions in this Act and the *Ontario Municipal Board Act*, the Regional Corporation may by by-law incur a debt or issue debentures for the purposes set forth in subsection 127 (1) and, notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the Regional Area. 1972, c. 105, s. 135.

Idem

130.—(1) Where, under any general or special Act, an area municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the Regional Council shall not pass a by-law authorizing the issue of debentures on behalf of such area

municipality for such purpose unless such assent or concurrence to the passing of the by-law by the Regional Council has been obtained.

(2) Nothing in subsection (1) requires the assent of any electors where such assent has been dispensed with under section 63 of the *Ontario Municipal Board Act*. 1972, c. 105, s. 136.

Proviso

R.S.O. 1980,
c. 347

131.—(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time for the purposes authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

Borrowing
pending
issue and
sale of
debentures

(2) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of the area municipality pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality. 1977, c. 34, s. 20 (1).

Idem

(3) The Regional Corporation may charge interest on any proceeds of an advance or loan transferred under subsection (2) at a rate sufficient to reimburse it for the cost of such advance or loan.

Interest on
proceeds
transferred

(4) The proceeds of every advance or loan under this section shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to see to the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality, the balance, subject to section 144, shall be transferred to the area municipality.

Application
of proceeds
of loan

(5) Subject to subsection (4), the redemption of a debenture hypothecated does not prevent the subsequent sale thereof. 1972, c. 105, s. 137 (3-5).

Hypotheca-
tion not to
prevent sub-
sequent sale
of debentures

Signature
of chairman,
etc., may be
mechanically
reproduced

(6) The signature of the chairman or any other person authorized to sign loan agreements may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on loan agreements made under this section and, if such loan agreement is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced. 1977, c. 34, s. 20 (2).

Principal
and interest
payments

132.—(1) Subject to subsection (2), a money by-law for the issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest.

Sinking
fund
debentures

(2) A money by-law for the issuing of debentures may provide that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case debentures issued under the by-law shall be known as sinking fund debentures.

When
debentures
to be
payable

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve.

Special levy
against area
municipalities

(4) The by-law may provide for raising in each year, by special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each area municipality shall pay to the Regional Corporation such sums at the times and in the amounts specified in the by-law.

General levy

(5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law.

Levy by
area municipa-
lities

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection (4) may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection (4).

(7) Notwithstanding subsection (5), the Regional Council may by by-law,

Instalment
debentures
and
debentures to
refund
existing
debentures
at maturity

- (a) authorize the borrowing of money by the issue of instalment debentures, the last instalment of which shall mature not earlier than ten years after the date upon which they are issued, and a specified sum of principal payable thereunder in the final year shall be raised by the issue of refunding debentures as provided in clause (b), and it shall not be necessary to raise by special rate in the year of maturity of the debentures to be refunded an amount equal to the specified principal amount of the debentures which are being refunded; and

- (b) authorize the issue of debentures to refund at maturity outstanding debentures of the municipality, provided that the refunding debentures shall be payable within the maximum period of years that was approved by the order of the Municipal Board for the repayment of debentures issued for the debt for which the outstanding debentures were issued, commencing on the date of the debentures originally issued for such debt,

and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a special levy or levies against such area municipality or municipalities as may be specified in the by-law and such levy shall be levied against the same area municipality or municipalities in each case.

(8) Any special levy against an area municipality imposed by the by-law under the authority of subsection (7) may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection (7), and any levy imposed by a by-law under clause (7) (b) shall be levied by the area municipality against the same persons or property as the levy imposed by the related by-law under clause (7) (a) was levied.

(9) All levies imposed by the by-law against an area municipality are a debt of the area municipality to the Regional Corporation.

Levies
a debt

(10) The Regional Council may by by-law authorize a change in the mode of issue of the debentures and may provide that the debentures be issued with coupons instead of in amounts

By-law to
change mode
of issuing
debentures

of combined principal and interest or *vice versa*, and where any debentures issued under the by-law have been sold, pledged or hypothecated by the Regional Council upon again acquiring them or at the request of any holder of them, may cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year. 1972, c. 105, s. 138 (1-10)

Debentures,
when to be
dated and
issued

(11) All the debentures shall be issued within two years after the passing of the by-laws unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the Regional Council it would be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law. 1972, c. 105, s. 138 (11); 1976, c. 43, s. 44 (1).

Date of
debentures

(12) All the debentures shall bear the same date, except where they are issued in sets, in which case every debenture of the same set shall bear the same date.

Idem

(13) Notwithstanding the provisions of the by-law, the debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection (11) and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.

Extension
of time
for issue

(14) The Municipal Board, on the application of the Regional Council, the council of any area municipality or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

Application
after time
expired

(15) The extension may be made although the application is not made until after the expiration of the two years or of the time provided for the issue of the set.

Effective date

(16) Unless the by-law names a later day when it is to take effect, it takes effect on the day of its passing.

(17) Notwithstanding any general or special Act, the Regional Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor.

(18) Section 145 of the *Municipal Act* applies with necessary modifications to the Regional Corporation.

Consolidation
debenture
by-laws
R.S.O. 1980,
c. 302

(19) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the Regional Corporation on any date prior to maturity, subject to the following provisions:

Redemption
before
maturity

1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and the amount at which such debenture may be so redeemed.
2. The principal of every debenture that is so redeemable becomes due and payable on the date set for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of the principal thereof, the interest to the date set for redemption and any premium payable on redemption.
3. Notice of intention so to redeem shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.
4. At least thirty days prior to the date set for such redemption, notice of intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the Regional Area and in such other manner as the by-law may provide.
5. Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debentures issued under the by-law shall be called for such redemption in priority to any such debentures that have a later maturity date.
6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assessments are

imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council in respect of the debenture so redeemed.

Currency

(20) The by-law may provide that the debentures to be issued thereunder shall be expressed and be payable,

- (a) in lawful money of Canada and payable in Canada ; or
- (b) in lawful money of the United States of America and payable in the United States of America ; or
- (c) in lawful money of Great Britain and payable in Great Britain ; or
- (d) subject to the prior approval of the Lieutenant Governor in Council, in a currency other than that of Canada, the United States of America or Great Britain.

Annual rates

(21) Where under the provisions of the by-law debentures issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, or in any currency other than that of Canada, the Regional Council may in such by-law or in any amending by-law, in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in such year, provide that there shall be raised such yearly amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary.

Principal levies

(22) When sinking fund debentures are issued, the amount of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding 5 per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due.

Consolidated bank accounts

(23) When sinking fund debentures are issued, the sinking fund committee shall keep one or more consolidated bank accounts in which,

- (a) the treasurer of the Regional Corporation shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds ; and

- (b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments.

(24) When sinking fund debentures are issued, there shall be a sinking fund committee that shall be composed of the treasurer of the Regional Corporation and two members appointed by the Regional Council, and the two appointed members may be paid, out of the current fund of the Regional Corporation, such annual remuneration as the Regional Council determines. 1972, c. 105, s. 138 (12-24). Sinking fund committee

(25) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member and any such alternate member may be paid, out of the current fund of the Regional Corporation, such remuneration as the Regional Council determines. 1976, c. 70, s. 22. Alternate members

(26) The treasurer of the Regional Corporation shall be the chairman and treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer. Chairman

(27) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, in such amount as the auditor of the Regional Corporation shall determine, and in other respects the provisions of section 94 of the *Municipal Act* apply with respect to such security. Security
R.S.O. 1980, c. 302

(28) Two members of the sinking fund committee are a quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee. Quorum

(29) All assets of the sinking funds, including all consolidated bank accounts, shall be under the sole control and management of the sinking fund committee. Control of sinking fund assets

(30) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all cheques on the consolidated bank accounts shall be signed by the chairman or acting chairman and one other member of the sinking fund committee. Withdrawals from bank accounts

(31) The sinking fund committee shall invest any moneys on deposit from time to time in the consolidated bank accounts Investments

and may at any time or times vary any investments. 1972, c. 105, s. 138 (26-31).

Idem

(32) The moneys in the consolidated bank accounts shall be invested in one or more of the following forms,

R.S.O. 1980,
c. 512

(a) in securities in which a trustee may invest under the *Trustee Act*;

(b) in debentures of the Regional Corporation;

(c) in temporary advances to the Regional Corporation pending the issue and sale of any debentures of the Regional Corporation;

(d) in temporary loans to the Regional Corporation for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made;

(e) in securities issued or unconditionally guaranteed as to principal and interest by the United States of America;

(f) in such other securities as are authorized by the Lieutenant Governor in Council. 1972, c. 105, s. 138 (32); 1976, c. 43, s. 44 (2).

Deposit of
securities
with
Treasurer
of Ontario

(33) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be deposited with the Treasurer of Ontario.

Release of
securities by
Treasurer
of Ontario

(34) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under subsection (33) only upon the direction in writing of the sinking fund committee.

Sinking
fund
accounts

(35) All sinking fund debentures issued on the same date, payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws, shall be deemed one debt and be represented by one sinking fund account.

Earnings
credited to
sinking
fund account

(36) That proportion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments obtained by,

(a) multiplying the amount of all such earnings by the amount of the capitalized interest for that year under

subsection (22) with respect to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account ; and

- (b) dividing the product obtained under clause (a) by the amount of all capitalized interest for that year under subsection (22) with respect to all principal raised up to and including such year for all outstanding sinking fund debentures,

shall be credited to the sinking fund account mentioned in clause (a).

(37) The treasurer of the Regional Corporation shall prepare and lay before the Regional Council in each year, before the annual regional levies are made, a statement showing the sums that the Regional Council will be required, by by-law, to raise for sinking funds in that year. Sinking fund requirements

(38) If the treasurer of the Regional Corporation contravenes subsection (23) or (37), he is guilty of an offence and on conviction is liable to a fine of not more than \$250. Offence

(39) If the Regional Council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the Regional Council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount. Failure to levy

(40) Notwithstanding this or any other Act or by-law, if it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the estimated earnings to be credited thereto under subsection (36) together with the levy required to be made by the by-law or by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of the debt represented by such sinking fund account when it matures, the Municipal Board, on the application of the sinking fund committee, the Regional Council or the council of an area municipality, may authorize the Regional Council or the council of an area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board. Where amount in sinking fund account more than sufficient to pay debt

(41) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the Regional Corporation or otherwise than is provided in this section. No diversion of sinking funds

Surplus

(42) When there is a surplus in a sinking fund account, the sinking fund committee shall,

- (a) use the surplus to increase the amount at the credit of another sinking fund account; or
- (b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes,
 - (i) to retire unmatured debentures of the Regional Corporation or of an area municipality,
 - (ii) to reduce the next annual levy on account of principal and interest payable with respect to debentures of the Regional Corporation or of an area municipality,
 - (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause (a) or (b) for the purposes of the Regional Corporation or an area municipality in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

Deficit
and
surplus

(43) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities, any deficit in the sinking fund account shall be provided by the Regional Corporation out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection (42). 1972, c. 105, s. 138 (33-43).

Term
debentures

(44) A money by-law may authorize the issue of debentures of which a portion shall be payable on a fixed date with interest payable annually or semi-annually, in which case such debentures shall be known as term debentures.

Amounts to
be raised
annually

(45) In respect of the term debentures, the by-law shall provide for raising,

- (a) in each year of the currency of the term debentures, a sum sufficient to pay the interest on the term debentures; and
- (b) in each year of the currency of the term debentures in which no other debentures issued under the same

by-law become due and payable, a specific amount to form a retirement fund for the term debentures which, with interest at a rate not to exceed 5 per cent per annum compounded yearly, will be sufficient to pay the principal of the term debentures at maturity.

(46) The retirement fund for the term debentures shall be administered by the sinking fund committee in all respects in the same manner as a sinking fund established under this section, and the provisions of subsections (23) to (43) of this section with respect to a sinking fund shall apply with necessary modifications to such retirement fund. Retirement fund administration

(47) Notwithstanding the provision of any general or special Act or any differences in date of issue or maturity, every debenture issued shall rank concurrently and *pari passu* in respect of payment of principal and interest thereon with all other debentures of the Regional Corporation except as to the availability of any sinking funds applicable to any particular issue of debentures. 1976, c. 43, s. 44 (3). All debentures rank equally

133. Notwithstanding any other provision of this Act,

- (a) a money by-law of the Regional Council may provide that all or a portion of the debentures to be issued thereunder shall be payable on a fixed date, subject to the obligation of the Regional Corporation to redeem by lot annually on each anniversary of the date of such debentures a specified principal amount of such debentures upon payment by the Regional Corporation of such principal amount plus accrued interest to the date of redemption and upon giving notice as provided in this section; Debentures payable on a fixed date subject to the annual redemption by lot of a specified principal amount
- (b) the principal amount of every debenture that is called for redemption shall become due and payable on the date set for the redemption thereof and, after such date, interest ceases to accrue thereon where provision is duly made by the Regional Corporation for the payment of the principal amount thereof; interest ceases to accrue on date set for redemption
- (c) the debentures to be redeemed on each anniversary of the date of such debentures shall be selected by lot by the treasurer of the Regional Corporation at a public meeting of the Regional Council and when redeemed shall be cancelled and shall not be reissued, provided always that the principal amount of the debentures to be redeemed may be purchased

debentures to be redeemed in any year may be reduced by the principal amount of any debentures purchased by the Regional Corporation, at a price or prices not exceeding the principal amount thereof, and surrendered for cancellation on the date fixed for redemption;

notice to
redeem to be
sent by mail

- (d) notice of intention to redeem any debenture shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person, if any, in whose name the debenture may be registered at the address shown in the Debenture Registry Book;

notice to
redeem to be
published

- (e) notice of intention to redeem any debenture shall be published at least thirty days prior to the date set for such redemption in such manner as the by-law may provide;

where only
portion of
debentures
payable on
fixed date

- (f) where only a portion of the debentures issued under a by-law is payable on a fixed date, the obligation of the Regional Corporation to redeem by lot annually a specified principal amount of such debentures does not apply in any year in which an instalment of principal of the remaining debentures issued under such by-law becomes due and payable; and

annual
amounts
payable to be
approx-
imately
equal

- (g) the aggregate amounts of principal and interest, or the amounts of principal, payable in each year during the currency of debentures issued under this section shall be approximately equal. 1976, c. 43, s. 45.

Application
of
R.S.O. 1980,
c. 302

134.—(1) Subsection 152 (1) of the *Municipal Act* applies with necessary modifications to the Regional Council. 1976, c. 70, s. 23.

Hypotheca-
tion not a
sale under
this section

- (2) For the purposes of this section, the hypothecation of debentures under section 131 shall not constitute a sale or other disposal thereof.

Consolidation
of debentures

- (3) The Regional Council may by one by-law authorized under subsection (1) amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder.

Special
assessment
and levies

- (4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are

imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council. 1972, c. 105, s. 139 (2-4).

135.—(1) Where part only of a sum of money provided for by a by-law has been raised, the Regional Council may repeal the by-law as to any part of the residue, and as to a proportionate part of the amounts to be raised annually.

Repeal of
by-law
when part
only of
money to be
raised

(2) The repealing by-law shall recite the facts on which it is founded, shall provide that it shall take effect on the 31st day of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board. 1972, c. 105, s. 140.

When to
take effect

136.—(1) Subject to section 135, after a debt has been contracted under a by-law, the Regional Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not alter any such by-law so as to diminish the amount to be raised annually, and shall not apply to any other purpose any money of the Regional Corporation that has been directed to be applied to such payment.

Until debt
paid certain
by-laws
cannot be
repealed

(2) When the Regional Corporation, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply any of the moneys so paid for any purpose other than the payment of the amounts of principal and interest so becoming due. 1972, c. 105, s. 141.

Application
of payments

137. Any officer of the Regional Corporation whose duty it is to carry into effect any of the provisions of a money by-law of the Regional Corporation, who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on conviction is liable to a fine of not more than \$100. 1972, c. 105, s. 142.

Offence for
neglect of
officer to
carry out
by-law

Money
by-laws may
be registered

138.—(1) Within four weeks after the passing of a money by-law, the clerk may register a duplicate original or a copy of it, certified under his hand and the seal of the Regional Corporation, in the appropriate land registry office.

Application
to quash
registered
by-law, when
to be made
R.S.O. 1980,
cc. 347, 126,
250

(2) Subject to section 61 of the *Ontario Municipal Board Act*, every by-law registered in accordance with subsection (1), or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under the *Drainage Act*, or the *Local Improvement Act*, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought, is registered in such land registry office within such period of three months or one month, as the case may be.

Time when
by-law to be
valid and
binding

(3) After the expiration of the period prescribed by subsection (2), if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms.

Quashing
part of
by-law

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection (2), but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, is, after the expiration of that period, valid and binding according to its terms.

Dismissal of
application

(5) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered, and after such dismissal and the expiration of the period prescribed by subsection (2), if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms. 1972, c. 105, s. 143 (1-5).

Illegal
by-laws not
validated

(6) Nothing in this section makes valid a by-law passed without the assent of the electors of an area municipality as required by subsection 130 (1), or a by-law where it appears on the face of it that any of the provisions of subsection 132 (5) have not been substantially complied with. 1972, c. 105, s. 143 (6); 1973, c. 137, s. 8.

(7) Failure to register a by-law as prescribed by this section does not invalidate it. 1972, c. 105, s. 143 (7). Failure to register

139.—(1) A debenture or other like instrument shall be sealed with the seal of the Regional Corporation, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection (3), shall be signed by the chairman, or by some other person authorized by by-law of the Regional Corporation to sign it, and by the treasurer. Debentures, how sealed and executed

(2) A debenture may have attached to it interest coupons that shall be signed by the treasurer and his signature may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the treasurer on the date the Regional Council authorized the execution of the debenture or on the date the debenture bears or at the time the debenture was issued and delivered. Interest coupons

(3) The signature of the chairman, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and if the debentures or other like instruments are countersigned in writing by a person authorized by by-law of the Regional Corporation to countersign, the signature of the treasurer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon. Mechanical reproduction of signatures

(4) The seal of the Regional Corporation when so engraved, lithographed, printed or otherwise mechanically reproduced has the same force and effect as if manually affixed and the signature of the chairman or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the treasurer when so engraved, lithographed, printed or otherwise mechanically reproduced shall be deemed the signature of the chairman or other person so authorized to sign or of the treasurer, as the case may be, and is binding upon the Regional Corporation. Effect of mechanical reproduction

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signatures of the persons provided in this section if such persons had authority to sign and countersign as provided in this section either on the date the Regional Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered. 1972, c. 105, s. 144. Sufficiency of signatures

Debentures on which payment has been made for one year to be valid

140. Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the Regional Corporation, the by-law and the debentures issued under it are valid and binding upon the Regional Corporation. 1972, c. 105, s. 145.

Mode of transfer may be prescribed

141.—(1) Where a debenture contains or has endorsed upon it a provision to the following effect:

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the treasurer of this Corporation (or by such other person authorized by by-law of this Corporation to endorse such certificate of ownership), transferable except by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the

.....

.....

of.....

the treasurer (or such other persons so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book, to be called the Debenture Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.

Requirements as to endorsing certificate of ownership

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the treasurer.

Transfer by entry in Debenture Registry Book

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in subsection (1), is transferable only by entry by the treasurer (or by such other person so authorized) in the Debenture Registry

Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors. 1972, c. 105, s. 146.

(4) A debenture may be registered as to both principal and interest, in which case the interest thereon shall be paid by cheque and the debenture may be referred to as a fully registered debenture.

Registration of debenture as to principal and interest

(5) Where debentures are payable in a currency other than that of Canada, the Regional Council may provide that the Debenture Registry Book of the Regional Corporation in respect of such debentures be maintained outside Canada by a corporation or person other than the treasurer and may make such other provisions for the registration and transfer of such debentures as the Regional Council considers appropriate. 1976, c. 43, s. 46.

Where Debenture Registry Book may be maintained outside Canada

142. Where a debenture is defaced, lost or destroyed, the Regional Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide. 1972, c. 105, s. 147.

Replacement of lost debentures

143.—(1) On request of the holder of any debenture issued by the Regional Corporation, the treasurer of the Regional Corporation may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount.

Exchange of debentures

(2) On the request of the sinking fund committee, the treasurer of the Regional Corporation may, as provided in this section, exchange debentures heretofore or hereafter issued by the Regional Corporation.

On request of sinking fund committee

(3) Any new debenture mentioned in subsection (1) may be registered as to principal and interest but in all other respects shall be of the same force and effect as the debenture or debentures surrendered for exchange.

New debentures of same force and effect as debentures surrendered

(4) The treasurer and auditor of the Regional Corporation shall cancel and destroy all debentures surrendered for exchange and shall certify in the Debenture Registry Book that they have been cancelled and destroyed and shall also enter in the Debenture Registry Book particulars of any new debenture issued in exchange. 1972, c. 105, s. 148.

Debentures surrendered for exchange to be cancelled

Application
of proceeds of
debentures

144.—(1) The moneys received by the Regional Corporation from the sale or hypothecation of any debentures to the extent that such moneys are required for the purposes for which the debentures were issued, and for the repayment of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes.

Idem

(2) None of the moneys received by the Regional Corporation from the sale or hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the Regional Corporation or an area municipality.

Surplus

(3) Where on the sale of any debenture an amount is realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied,

(a) if any such debentures are redeemable prior to maturity at the option of the Regional Corporation to redeem one or more of the debentures having the latest maturity date; or

(b) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or

(c) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

Deficiency

(4) Where on the sale of any debentures a deficiency in the amount required for the purpose or purposes for which the debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes. 1972, c. 105, s. 149.

145. Where real or personal property acquired out of moneys received by the Regional Corporation from the sale or hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied as an excess in accordance with subsection 144 (3) or, with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures issued in respect of the property disposed of or sold. 1972, c. 105, s. 150.

Use of
proceeds of
sale of asset
acquired
from proceeds
of sale of
debentures

146. When the Regional Corporation intends to borrow money on debentures under this or any other Act, the Regional Council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par. 1972, c. 105, s. 151.

Tenders
for
debentures

147.—(1) The Regional Council shall,

Accounts,
how to be
kept

- (a) keep a separate account of every debenture debt;
- (b) where the whole of a debenture debt is not payable in the current year, keep in respect thereof,
 - (i) an additional account for the interest, if any, and
 - (ii) an additional account for the sinking fund or the instalments of principal,

distinguished from all other accounts by a prefix designating the purpose for which the debenture debt was contracted; and

- (c) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

(2) The Regional Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine

Consolidated
interest
account

therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt. 1972, c. 105, s. 152.

Application
of surplus
money

148. If, in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of the principal. 1972, c. 105, s. 153.

Liability of
members

149.—(1) If the Regional Council applies any money raised for a special purpose or collected for a sinking fund in paying current or other expenditure, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Action by
ratepayer

(2) If the Regional Council, upon the request in writing of a ratepayer of any area municipality, refuses or neglects for one month to bring an action therefor, the action may be brought by any such ratepayer on behalf of himself and all other ratepayers in the Regional Area.

Dis-
qualification

(3) The members who vote for such application are disqualified from holding any municipal office for two years. 1972, c. 105, s. 154.

Refinancing
of debentures

150. When, by or under the authority of this Act, the Regional Corporation is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the Regional Corporation may, with the approval of the Municipal Board,

- (a) cancel all such debentures that have not been sold and issue new debentures of the Regional Corporation in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board, for the purposes for which such debentures were issued;
- (b) arrange with the area municipality for the redemption of all such debentures as are redeemable and issue new debentures of the Regional Corporation to raise the moneys required for such redemption; and

- (c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the Regional Corporation to raise the money required to complete such purchase. 1972, c. 105, s. 155.

PART XI

GENERAL

151.—(1) Sections 5, 105, 106, 110, 113, 116, 121, subsection 165 (3), sections 190 and 205, paragraphs 3, 11, 12, 23, 24, 30, 50 and 54 of section 208, subparagraph ii of paragraph 125 of section 210, paragraph 10 of section 315 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation. 1979, c. 81, s. 60 (1).

Application
of
R.S.O. 1980,
c. 302

(2) Sections 10 and 11, and subject to subsection 2 (8), subsection 14 (2) of the *Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, within the Regional Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature.

Erections,
annexations
and amalga-
mations

(3) The Regional Corporation shall be considered to be a local municipality for the purposes of paragraphs 98 and 129 of section 210 and section 253 of the *Municipal Act*.

Public trans-
portation
systems,
refuse
disposal,
entertain-
ment
expenses, etc.

(4) Notwithstanding any other provision in this Act, the Regional Council may pass by-laws authorizing the head of the department concerned to grant the approval required by subsection 38 (2), subsection 53 (1), subsection 54 (2) and subsection 67 (2) as are designated in the by-law and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted. 1972, c. 105, s. 158 (3-5).

Delegation
of approval

(5) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 13 of the *Mortmain and Charitable Uses Act*. 1977, c. 34, s. 21 (2).

Application
of
R.S.O. 1980,
c. 297

(6) The Regional Corporation shall be deemed to be, and to have always been, a municipality for the purposes of section 311 of the *Municipal Act*. 1979, c. 81, s. 60 (2).

Deemed
municipality
for purposes of
R.S.O. 1980,
c. 302

By-laws

(7) Every by-law of a local municipality as it exists on the 31st day of December, 1972, shall remain in force in the area of the former local municipality on and after the 1st day of January, 1973, but may be amended or repealed by the council of an area municipality as it affects such area municipality. 1972, c. 105, s. 158 (8); 1973, c. 137, s. 9 (2).

Idem

(8) Where any local municipality has passed a by-law that, prior to its coming into force, requires the approval of any minister of the Crown, any provincial ministry, the Municipal Board or any provincial body or agency, and such approval has not been obtained prior to the 31st day of December, 1972, the council of the successor area municipality to such local municipality shall be entitled to initiate or continue the procedure required to obtain such approval to the by-law passed by the local municipality in so far as it pertains to such area municipality, and the provisions of subsection (7) apply with necessary modifications to any such by-law. 1974, c. 5, s. 2.

Vesting of transportation system assets in Regional Corporation

(9) In the event that the Regional Corporation establishes a transportation system in accordance with the provisions of subsection (3), no area municipality shall operate such a system and all the assets and liabilities of any area municipality used for a public transportation system vest in the Regional Corporation on the day such regional transportation system is established, without compensation. 1972, c. 105, s. 158 (9).

Emergency measures, civil defence

152.—(1) The Regional Council may pass by-laws,

- (a) for the establishment and maintenance of an emergency measures civil defence organization in the Regional Area; and
- (b) for providing moneys for emergency measures and civil defence, for the purposes of the emergency measures civil defence organization and for the cost of the operation of such organization, and for other similar work in the Regional Area,

and when a by-law passed under this subsection is in force in the Regional Area, any by-laws passed by the council of an area municipality under subclauses 209 (b) (ii) and (iii) of the *Municipal Act* have no effect.

R.S.O. 1980,
c. 302

Powers of Regional Council re emergency measures

(2) When a by-law passed under clause (1) (a) is in force, the Regional Council may pass by-laws,

- (a) with the consent of the area municipality or local board concerned, for appointing heads of departments and alternates to be members of or advisors to the

emergency measures planning committee or any sub-committee thereof;

- (b) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their emergency functions;
- (c) for appointing members of the emergency measures planning committee or of any subcommittee thereof to be in charge of such departments or utilities throughout the Regional Area, as the by-law may provide, when an emergency has been proclaimed under the *War Measures Act* (Canada);
- (d) for acquiring alternative headquarters for the Regional Government outside the Regional Area;
- (e) for obtaining and distributing emergency materials, equipment and supplies; and
- (f) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack. 1972, c. 105, s. 159 (1, 2).

R.S.C. 1970,
c. W-2

153.—(1) Notwithstanding section 176, the provisions of paragraphs 1 and 6 of section 227 and section 228 of the *Municipal Act* do not apply to any area municipality. 1972, c. 164, s. 4, *part*.

Application
of
R.S.O. 1980,
c. 302
ss. 227, 228
to area
municipality

(2) The Regional Council may pass by-laws applicable to one or more area municipalities:

By-laws by
Regional
Council

1. For licensing, regulating and governing teamsters, carters, draymen, owners and drivers of cabs, buses, motor or other vehicles used for hire or any class or classes thereof; for establishing the rates or fares to be charged by the owners or drivers of such vehicles for the conveyance of goods or passengers either wholly within an area municipality or to any point not more than five kilometres beyond its limits, and for providing for the collection of such rates or fares; for limiting the number of cabs, buses, motor or other vehicles used for hire, or any class or classes thereof, and for revoking any such licence.
2. For requiring any or all persons mentioned in paragraph 1 to provide public liability, property damage, cargo or other insurance in the form and to the amounts of coverage prescribed in the by-law and, providing that where such insurance

teamsters,
cab owners
and drivers,
etc.

insurance
for
teamsters,
cab owners,
etc.

is not so provided, the Regional Council may refuse, refuse to renew or revoke any licence issued under paragraph 1.

taxi-cab
brokers

3. For licensing, regulating and governing taxi-cab brokers and for revoking any such licence and for requiring taxi-cab brokers to provide public liability, property damage, cargo or other insurance in the form and to the amounts of coverage prescribed in the by-law in respect of each taxi-cab operated in association with such broker and, providing that where such insurance is not so provided, the Regional Council may refuse, refuse to renew or revoke any such licence.

(a) In this paragraph, "taxi-cab broker" means any person who accepts calls in any manner for taxi-cabs that are used for hire and that are owned by persons other than himself, his immediate family or his employer.

salvage
shops, etc.

4. For licensing, regulating and governing salvage shops, salvage yards, second-hand goods shops and dealers in second-hand goods, and for revoking any such licence.

(a) In this paragraph,

(i) "dealers in second-hand goods" includes persons who go from house to house or along highways for the purpose of collecting, purchasing or obtaining second-hand goods,

(ii) "salvage yard" includes an automobile wrecking yard or premises,

(iii) "second-hand goods" includes waste paper, rags, bones, bottles, bicycles, automobile tires, old metal and other scrap material and salvage.

(b) The by-law may apply to and require every person using a vehicle for any of the purposes mentioned in this paragraph, either on his account or as the agent or servant of another person, to take out a licence.

(c) The power of licensing does not apply to persons engaged in any of the objects mentioned in this paragraph for patriotic or charitable purposes.

- (d) The fee to be paid for the licence shall not exceed \$20 for one year.
- (e) Any licence issued under this paragraph may be issued to authorize the licensee to deal in one class only of second-hand goods or in more than one class as may be specified in the licence, and such licensee is not entitled to deal in any class of second-hand goods not covered by his licence. 1972, c. 164, s. 4, *part*; 1978, c. 87, s. 55 (4).

154. The Regional Corporation may make expenditures for the purpose of diffusing information respecting the advantages of the regional municipality as an industrial, business, educational, residential or vacation centre. 1972, c. 105, s. 160; 1973, c. 137, s. 10; 1976, c. 43, s. 48.

Expenditures
for diffusing
information

155. Where, in an action or by the settlement of a claim arising out of any injury to an employee including a member of the Waterloo Regional Police Force, or to any person considered an employee for the purposes of the *Workmen's Compensation Act*, the Regional Corporation recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the Regional Corporation may impose. 1972, c. 105, s. 162.

Payment of
damages
to employees

R.S.O. 1980,
c. 539

156.—(1) Where the Regional Council passes a resolution requesting a judge of the county court within the Regional Area or a judge of the county court of a county adjoining the Regional Area, to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the Regional Council, or an officer or employee of the Regional Corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the Regional Corporation, or to inquire into or concerning any matter connected with the good government of the Regional Corporation or the conduct of any part of its public business, including any business conducted by a local board of the Regional Corporation, the judge shall make the inquiry and for that purpose has all the powers that may be conferred on a commission under Part II of the *Public Inquiries Act*, and he shall, with all convenient speed, report to the Regional Council the result of the inquiry and the evidence taken.

Investigation
by county
judge of
charges of
malfeasance

R.S.O. 1980,
c. 411

(2) The judge shall be paid by the Regional Corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under the *Judicature Act*.

Fees payable
to judge

R.S.O. 1980,
c. 223

**Engaging
counsel**

(3) The Regional Council may engage and pay counsel to represent the Regional Corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the Regional Corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel.

Idem

(4) The judge may engage counsel and such other assistants and staff and incur such incidental expenses as he considers advisable for the proper conduct of the investigation or inquiry, and the Regional Corporation shall pay the costs thereof. 1972, c. 105, s. 163.

**Commission
of inquiry**

157.—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into any of the affairs of the Regional Corporation or a local board thereof, and any matter connected therewith, and the commission has all the powers that may be conferred on a commission under Part II of the *Public Inquiries Act*.

R.S.O. 1980,
c. 411

**When
commission
may issue**

(2) A commission may be recommended at the instance of the Ministry or upon the request in writing of not less than one-third of the members of the Regional Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein.

**Expenses of
commission**

(3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and are subject to such division between the Regional Corporation and the Province as the Lieutenant Governor in Council may direct. 1972, c. 105, s. 164.

**Entry on
highways, etc.**

158. The Regional Corporation for its purposes may enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor, but all such highways, lanes and other public communications shall be restored to their original condition without unnecessary delay. 1972, c. 105, s. 165.

**Agreements
re services**

159. The Regional Corporation and any area municipality may enter into agreements for the use within any part of the Regional Area of the services of their respective officers, employees and equipment. 1972, c. 105, s. 166.

**Chairman
member of
Board of
Governors,
University of
Waterloo**

160.—(1) For the purpose of membership on the Board of Governors of the University of Waterloo, the chairman shall be deemed to be the warden of the County of Waterloo, and the

provisions of section 75 of the *Municipal Act* apply with necessary modifications thereto. 1973, c. 137, s. 11. R.S.O. 1980,
c. 302

(2) The Regional Corporation shall be deemed to be the County of Waterloo and the chairman shall be deemed to be the Warden of the County for the purposes of *The Kitchener-Waterloo Hospital Act*, 1960. 1972, c. 164, s. 8, *revised*. Interpre-
tation
1960, c. 149

161.—(1) For the purposes of paragraph 9 of section 3 and section 26 of the *Assessment Act*, the Regional Corporation shall be deemed to be a municipality. Application
of
R.S.O. 1980,
c. 31

(2) For the purposes of paragraph 9 of section 3 of the *Assessment Act*, where property belonging to the Regional Corporation is occupied by an area municipality or where property belonging to an area municipality is occupied by the Regional Corporation or another area municipality, the occupant shall not be considered to be a tenant or lessee, whether rent is paid for such occupation or not. Regional
Corporation
and area
municipi-
palities
deemed not
tenants

(3) In subsection (2), “Regional Corporation” and “area municipality” include a local board thereof. 1972, c. 105, s. 167. Interpre-
tation

162.—(1) An execution against the Regional Corporation may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following: Execution
against
Regional
Corporation

1. The sheriff shall deliver a copy of the writ and endorsement to the treasurer of the Regional Corporation, or leave such copy at the office or dwelling place of the treasurer, with a statement in writing of the sheriff's fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.
2. If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the Regional Council for general purposes are apportioned among the area municipalities, determine the portion of the amount mentioned in the statement that shall be levied against and in each area municipality.
3. The sheriff shall then in like manner as rates struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the execution, and in

determining such amount he may make such addition to the same as the sheriff considers sufficient to cover its share of the interest up to the time when the rate will probably be available and his own fees and poundage.

4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality, and shall annex to the precept the roll of such rate and shall by the precept, after reciting the writ and that the Regional Corporation has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect to the general annual rates.
5. If, at the time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he shall add a column thereto, headed "Execution rate in A.B. vs. The Regional Municipality of Waterloo" (adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.
6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same, to the treasurer of the area municipality.

Function
of clerk,
collectors
and assessors

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be considered to be officers of the court out of which the writ issued, and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them. 1972, c. 105, s. 168.

County
dissolved

163.—(1) The Corporation of the County of Waterloo is dissolved on the 1st day of January, 1973.

(2) All the assets and liabilities of the County of Waterloo become, on the 1st day of January, 1973, the assets and liabilities of the Regional Corporation, and all documents and records kept by the clerk or treasurer or any other officer of the County of Waterloo shall be transferred to the clerk, and on the same date that portion of the Township of Beverly described in clause 2 (1) (c) is withdrawn from the County of Wentworth for all municipal and school purposes.

Assets and liabilities, etc.

(3) The Waterloo County Library Board is dissolved on the 1st day of January, 1973 and all the assets and liabilities thereof vest on such date in the Regional Corporation. 1972, c. 105, s. 169 (1-3).

Dissolution of library board

(4) The Regional Council shall for the purposes of the *Public Libraries Act* be deemed to be a board of a county library. 1972, c. 105, s. 169 (4); 1973, c. 137, s. 12.

Regional Council deemed board under R.S.O. 1980, c. 414

(5) The operation of the regional library service shall be limited to the township area municipalities and operating costs thereof shall be apportioned amongst such area municipalities in the proportion that the equalized, weighted assessment for each such area municipality respectively, as ascertained under section 118, bears to the total equalized, weighted assessment for such township area municipalities. 1972, c. 105, s. 169 (5); 1972, c. 164, s. 5.

Apportionment of library service costs

164.—(1) The Galt Suburban Roads Commission, the Kitchener Suburban Roads Commission and the Waterloo Suburban Roads Commission are dissolved on the 1st day of January, 1973.

Roads commissions dissolved

(2) All the assets and liabilities of the roads commissions referred to in subsection (1) become, on the 1st day of January, 1973, the assets and liabilities of the Regional Corporation, and all documents and records kept by any officer of such roads commissions shall be transferred to the clerk. 1972, c. 105, s. 170.

Assets and liabilities

165.—(1) Except as provided in this Act, the Municipal Board, upon the application of any area municipality or the Regional Corporation, may exercise any of the powers under clauses 14 (11) (a), (b) and (d) of the *Municipal Act* in relation to the dissolution of the County of Waterloo and roads commissions dissolved under this Act.

Powers of Municipal Board

R.S.O. 1980, c. 302

(2) In the event of any doubt as to whether any particular asset or liability is vested in the Regional Corporation under this Act, the Municipal Board upon application has power to determine the matter as sole arbitrator and sections 94

Settling of doubts

R.S.O. 1980,
c. 347

and 95 of the *Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such power. 1972, c. 105, s. 171.

Conditional
powers

166. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are considered necessary or advisable to carry out effectively the purposes of this Act. 1972, c. 105, s. 172.

Conflict with
other Acts

167. The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails. 1972, c. 105, s. 173.

Municipal
buildings

168.—(1) The Regional Corporation or an area municipality or the Regional Corporation and one or more area municipalities,

(a) may acquire land for the purpose of constructing municipal buildings; and

(b) may construct municipal buildings for the use of the Regional Corporation or the Regional Corporation and one or more area municipalities or any local board thereof.

Application
of
R.S.O. 1980,
c. 302, s. 125

(2) Section 125 of the *Municipal Act* applies with necessary modifications to any joint undertaking under this section. 1972, c. 105, s. 174.

Interpre-
tation

169.—(1) In this Part, “waste” includes ashes, garbage, refuse, domestic waste, industrial solid waste or municipal refuse and such other wastes as may be designated by by-law passed by the Regional Council. 1972, c. 164, s. 6.

Receiving
and disposing
of waste by
Regional
Corporation

(2) On and after the 1st day of January, 1973, the Regional Corporation shall provide facilities for the purpose of receiving, dumping and disposing of waste, and no area municipality shall provide such facilities. 1972, c. 105, s. 175 (2).

Waste
disposal sites

(3) For the purposes of subsection (2), the Regional Corporation may acquire and use land within the Regional Area and may erect, maintain and operate buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person for such purposes, and may prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon any such land, and may prescribe rates or charges for

the use of such property, which rates or charges may relate to the volume, weight or class of waste, or otherwise as the Regional Council considers appropriate in the circumstances, and all existing municipal facilities for such purposes vest in the Regional Corporation on the 1st day of January, 1973, without compensation. 1972, c. 105, s. 175 (3); 1974, c. 117, s. 25.

(4) The Regional Corporation shall pay to the corporation of any area municipality on or before the due date all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the property assumed by the Regional Corporation under the provisions of subsection (3). 1972, c. 105, s. 175 (4).

Payments of principal and interest to area municipalities

(5) If the Regional Corporation fails to make any payment on or before the due date required by subsection (4), the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 61.

Default

(6) For the purposes of subsection (3), paragraph 84 of section 210 of the *Municipal Act* applies with necessary modifications. 1972, c. 105, s. 175 (6).

Application of R.S.O. 1980, c. 302, s. 210, par. 84

170. The Regional Corporation shall appoint a Regional Fire Co-ordinator who shall be responsible for the establishment of an emergency fire service plan and program for the Regional Area, and the Regional Corporation is authorized to expend such sums as it considers necessary to implement such plan and program. 1972, c. 105, s. 176.

Regional Fire Co-ordinator

171.—(1) Notwithstanding the other provisions of this Act but subject to subsections (2) and (3), for the purposes of section 109 of the *Highway Traffic Act* the areas in the Regional Area that, on the 31st day of December, 1972, formed part of a town, village or township municipality shall be considered to continue to form part of a town, village or township municipality.

Existing speed limits continued R.S.O. 1980, c. 198

(2) Notwithstanding subsection (1), the Regional Council and the council of each area municipality may exercise any of its powers under section 109 of the *Highway Traffic Act* in respect of highways under its jurisdiction and control.

By-laws of Regional Council and area councils

(3) Every by-law passed by the council of a municipality under any provision of section 109 of the *Highway Traffic Act* that applied, on the 31st day of December, 1972, to any

Existing speed limits continued

highway or portion thereof within the Regional Area shall continue to apply thereto until a by-law passed by the Regional Council or the council of an area municipality under such section 109 applies thereto. 1972, c. 105, s. 177.

Recreation
and parks
management
board

172. The Minister may by order, on the request of any area municipality, dissolve any board of a community recreation centre or board of recreation or park management of the area municipality and transfer the assets and liabilities of such board to the area municipality and may deem the council of the area municipality to be a recreation committee under the *Ministry of Culture and Recreation Act* and the regulations thereunder and a board of a community recreation centre under the *Community Recreation Centres Act*. 1972, c. 105, s. 179.

R.S.O. 1980,
cc. 276, 80

Election
R.S.O. 1980,
c. 129

173. Section 59 of the *Education Act* applies to the election of the members of The Waterloo County Board of Education and section 113 of the *Education Act* applies to the election of the members of The Waterloo County Roman Catholic Separate School Board. 1972, c. 105, s. 180, *revised*.

Regional
Municipality,
school
division

174.—(1) Notwithstanding the provisions of any other Act, the Regional Municipality of Waterloo is a school division and the Waterloo County Board of Education is continued, subject to subsection 54 (6) of the *Education Act*, as the divisional board of education for The Regional Municipality of Waterloo.

Vesting of
property

(2) Subject to subsection (3), on the 1st day of January, 1973 all real and personal property in the Regional Area that, on the 31st day of December, 1972, was vested in The Wentworth County Board of Education is vested in the divisional board for the Regional Corporation and all debts, contracts, agreements and liabilities for which the Wentworth County Board of Education was liable in respect of such real and personal property become obligations of the divisional board for the Regional Corporation.

Adjustment
of assets and
liabilities

(3) The divisional board for the Regional Corporation and The Wentworth County Board of Education shall adjust in an equitable manner as may be agreed upon the assets and the liabilities as at the 31st day of December, 1972 in respect of such real and personal property referred to in subsection (2), except lands and premises used as schools on such 31st day of December, including the furniture and equipment therein, and in default of agreement as the Municipal Board considers equitable.

Employment
contracts
of teachers

(4) The employment contract of every teacher who, immediately before the 1st day of January, 1973 was employed

by the Wentworth County Board of Education to teach in a school that on and after the 1st day of January, 1973 is included in the Regional Area shall be deemed to have been made with the divisional board for the Regional Corporation. 1972, c. 105, s. 181.

175. Notwithstanding the provisions of the *Public Libraries Act*, the Minister may by order provide for the establishment of a public library board in any area municipality and for the transfer of any assets and liabilities of any former public library board to such new board. 1972, c. 105, s. 183.

176. The council of any city in the Regional Area may pass any by-law that a board of commissioners of police of a city is authorized to pass under the *Municipal Act*. 1972, c. 105, s. 184.

Public library
boards
R.S.O. 1980,
c. 414

Power of
cities in
Regional Area
to pass
by-laws
R.S.O. 1980,
c. 302

FORM 1

(Section 8 (4))

OATH OF ALLEGIANCE

I,, having been elected (or appointed) as chairman of the council of The Regional Municipality of Waterloo, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (or the reigning sovereign for the time being).

Sworn before me, etc.

1972, c. 105, Form 1.

FORM 2

(Section 8 (4))

DECLARATION OF QUALIFICATION BY CHAIRMAN

I,, having been elected (or appointed) as chairman of the council of The Regional Municipality of Waterloo declare that:

1. I am a British subject and am not a citizen or a subject of any foreign country.
2. I am of the full age of eighteen years.
3. I am not an officer, employee or servant of any area municipality or any local board of any area municipality.
4. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

Declared before me, etc.

1972, c. 105, Form 2; 1973, c. 137, s. 14.

CHAPTER 443

Regional Municipality of York Act

INTERPRETATION

1. In this Act,

Interpre-
tation

- (a) “area municipality” means the municipality or corporation of the Town of Aurora, the Town of Markham, the Town of Newmarket, the Town of Richmond Hill, the Town of Vaughan, the Town of Whitchurch-Stouffville, the Town of East Gwillimbury, the Township of Georgina, and the Township of King, all as constituted by section 2;
- (b) “bridge” means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) “chairman” means the chairman of the Regional Council;
- (d) “debt” includes any obligation for the payment of money;
- (e) “divided municipality” means a local municipality parts of which are annexed to two or more municipalities under subsection 2 (1) and includes the Police Village of Thornhill;
- (f) “highway” and “road” means a common and public highway or any part thereof, and includes a street, bridge, and any other structure incidental thereto or any part thereof;
- (g) “land” includes lands, tenements and hereditaments, and any estate or interest therein, and any right or easement affecting them, and land covered with water, and includes any buildings or improvements on land;
- (h) “local board” means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission,

committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the Regional Corporation or of an area municipality or of two or more area municipalities or parts thereof;

- (i) "merged area" means a local municipality that is amalgamated with another local municipality or a part of a local municipality that is annexed to a local municipality to constitute an area municipality under subsection 2 (1) or the local municipality to which such part is annexed and includes the Town of East Gwillimbury and the Township of King;
- (j) "Minister" means the Minister of Intergovernmental Affairs;
- (k) "Ministry" means the Ministry of Intergovernmental Affairs;
- (l) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money, other than a by-law passed under section 129;
- (m) "Municipal Board" means the Ontario Municipal Board;
- (n) "Regional Area",
 - (i) until the 1st day of January, 1971, means the area included within the County of York, except the area within The Municipality of Metropolitan Toronto, and
 - (ii) on and after the 1st day of January, 1971, means the area from time to time included within the area municipalities;
- (o) "Regional Corporation" means The Regional Municipality of York;
- (p) "Regional Council" means the council of the Regional Corporation;
- (q) "regional road" means a road forming part of the regional road system established under Part V;
- (r) "roadway" means that part of the highway designed or intended for use by vehicular traffic. R.S.O. 1970, c. 408, s. 1; 1971, c. 75, s. 1; 1972, c. 3, s. 17, *revised*.

PART I

AREA MUNICIPALITIES

2.—(1) On the 1st day of January, 1971,

Constitution
of area
municipalities

- (a) The portions of the Township of King and the Township of Whitchurch, described as follows, are annexed to the Town of Aurora:

FIRSTLY, part of the Township of King, commencing at a point in the east boundary of the Township of King where it is intersected by the easterly prolongation of the centre line of the road allowance between lots 70 and 71 in Concession I of the said Township;

THENCE westerly to and along the centre line of the said road allowance and its prolongation to the centre line of the road allowance between concessions I and II of the Township of King;

THENCE northerly along the centre line of the road allowance between concessions I and II to its intersection with the westerly prolongation of the northerly limit of Lot 86 in Concession I of the said Township;

THENCE easterly to and along the northerly limit of Lot 86 in Concession I and its easterly prolongation to the east boundary of the Township of King;

THENCE southerly along the east boundary of the Township of King, being along the boundary between the townships of King and Whitchurch, to the north boundary of the Town of Aurora;

THENCE following the boundaries between the Township of King and the Town of Aurora to the east boundary of the said Township;

THENCE southerly along the eastern boundary of the Township of King to the point of commencement.

SECONDLY, part of the Township of Whitchurch, commencing at a point in the west boundary of the Township of Whitchurch, where it is intersected by the westerly prolongation of the northerly limit of Lot 86 in Concession I of the said Township of Whitchurch;

THENCE easterly to and along the northerly limit of Lot 86 in Concession I and the northern limit of Lot 26 in concessions II and III to where it is intersected by the westerly limit of the King's Highway Number 404, the said west limit of highway being 150 feet measured at right angles westerly from the centre line of highway;

THENCE southerly along the westerly limit of Highway Number 404, as defined to where it is intersected by the centre line of the road allowance between lots 10 and 11 in Concession III of the said Township;

THENCE westerly along the centre line of the road allowance between lots 10 and 11 in concessions III and II and to and along the centre line of road allowance between lots 70 and 71 in Concession I and the last-mentioned centre line prolonged to the west boundary of the Township of Whitchurch;

THENCE northerly along the west boundary of the Township of Whitchurch, being along the boundary between the townships of Whitchurch and King, to the south boundary of the Town of Aurora;

THENCE following the boundaries between the Township of King and the Town of Aurora to the west boundary of the said Township;

THENCE northerly along the western boundary of the Township of Whitchurch to the point of commencement;

- (b) The portion of the Township of East Gwillimbury described as follows is established as a township municipality bearing the name of The Corporation of the Township of East Gwillimbury;

NOTE: Erection of Township of East Gwillimbury into town municipality see s. 2 (3).

COMMENCING at the intersection of the middle of the main channel of the Holland River and the northerly boundary of the Township of East Gwillimbury prolonged westerly in accordance with section 9 of *The Territorial Division Act*, being chapter 395 of the Revised Statutes of Ontario, 1960;

THENCE easterly to and along the northerly boundary of the Township of East Gwillimbury to the northeast angle thereof;

THENCE southerly along the easterly boundary of the Township of East Gwillimbury to the southeast angle thereof;

THENCE westerly along the southerly boundary of the said Township to where it is intersected by the westerly limit of the King's Highway Number 404, the said westerly limit of highway being 150 feet and measured at right angles from the centre line of highway;

THENCE northerly along the westerly limit of Highway Number 404, as defined to its intersection with the southerly limit of Lot 2 in Concession III of the Township of East Gwillimbury;

THENCE easterly along the limit of the said Lot to its intersection with the line between the east and west halves of the said Lot 2;

THENCE northerly following along the line between the east and west halves of lots 2, 3 and 4-in Concession III of the said Township to the northerly limit of the said Lot 4;

THENCE westerly along the northerly limit of Lot 4 in concessions III and II and continuing westerly to and along the northerly limit of Lot 99 in Concession I east of Yonge Street and west of Yonge Street and the last-mentioned limit prolonged westerly to the west boundary of the Township of East Gwillimbury;

THENCE northerly along the westerly boundary and its prolongation in accordance with section 9 of *The Territorial Division Act*, being chapter 395 of the Revised Statutes of Ontario, 1960, to the middle of the main channel of the Schomberg River;

THENCE in a general northeasterly direction along the middle of the main channel of the last-mentioned River and the middle of the main channel of the Holland River being along the boundary between the townships of East Gwillimbury and West Gwillimbury, to the point of commencement;

- (c) The Corporation of the Township of Georgina (including Georgina Island), The Corporation of the Township of North Gwillimbury (including Fox and Snake Islands) and The Corporation of the Village of

Sutton are amalgamated as a township municipality bearing the name of The Corporation of the Township of Georgina;

- (d) The portion of the Township of King, described as follows, is established as a township municipality bearing the name of The Corporation of the Township of King:

COMMENCING at a point in the westerly boundary of the Township of King, where it is intersected by the westerly prolongation of the northerly limit of Lot 1 in Concession XI of the said Township;

THENCE northerly along the western boundary of the Township of King to the northwesterly angle thereof;

THENCE easterly along the north boundary of the Township of King, being along the boundary between the townships of King and Tecumseth, to the south-east angle of the last-mentioned Township;

THENCE northerly along the boundary between the townships of King and Tecumseth to the middle of the main channel of the Schomberg River in accordance with section 9 of *The Territorial Division Act*, being chapter 395 of the Revised Statutes of Ontario, 1960;

THENCE in a general northeasterly direction along the middle of the main channel of the said River being along the boundary between the townships of King and West Gwillimbury to the northeasterly angle of the said Township of King being in Concession II of the said Township;

THENCE southerly along the easterly Township boundary and to and along the centre line of the road allowance between concessions I and II of the Township of King to the intersection of the production easterly of the northerly limit of Lot 1 in Concession II of the said Township;

THENCE westerly to and along the northerly limit of Lot 1 in concessions II, III, IV, V, VI, VII, VIII, IX, X and XI and westerly to the point of commencement;

- (e) The portion of the Township of Markham, described as follows, is annexed to the Town of Markham:

COMMENCING at the southwest angle of the Township of Markham;

THENCE easterly along the southern boundary of the Township of Markham to its easterly boundary;

THENCE northerly along the eastern boundary of the Township of Markham to intersect the easterly prolongation of the north limit of Lot 31 in Concession X of the said Township;

THENCE westerly to and along the northerly limit of Lot 31 in concessions X, IX, VIII, VII, VI, V, IV and III to where it is intersected by the westerly limit of the King's Highway Number 404, the said westerly limit of highway being 150 feet westerly measured at right angles from the centre line of highway;

THENCE southerly along the said westerly limit of Highway Number 404 to the northerly limit of the King's Highway Number 7;

THENCE westerly along the north limit of the said Highway Number 7 to the west boundary of the Township of Markham;

THENCE southerly along the said boundary to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Corporation Boundary of the Town of Markham;

- (f) The portions of the Township of East Gwillimbury, the Township of King and the Township of Whitchurch, described as follows, are annexed to the Town of Newmarket:

FIRSTLY, part of the Township of East Gwillimbury, commencing at the southwesterly angle of the Township of East Gwillimbury;

THENCE northerly along the westerly boundary of the said Township to the westerly prolongation of the northerly limit of Lot 99 in Concession I west of Yonge Street of the Township of East Gwillimbury;

THENCE easterly to and along the northerly limit of Lot 99 in Concession I west of Yonge and in Concession I east of Yonge Street and continuing easterly

to and along the northerly limit of Lot 4 in concessions II and III of the Township of East Gwillimbury to the line between the east and west halves of the said Lot 4;

THENCE southerly following along the line between the east and west halves of lots 4, 3 and 2 to the southerly limit of Lot 2 in Concession III;

THENCE westerly along the said Lot limit to the westerly limit of the King's Highway Number 404, the said westerly limit of highway being 150 feet and measured at right angles from the centre line of highway;

THENCE southerly along the westerly limit of Highway Number 404 as defined to the southerly boundary of the Township of East Gwillimbury;

THENCE westerly along the southerly boundary of the said Township of East Gwillimbury to the easterly boundary of the Town of Newmarket;

THENCE following the boundaries between the Township of East Gwillimbury and the Town of Newmarket and continuing westerly following the south boundary of the Township of East Gwillimbury to the point of commencement;

SECONDLY, part of the Township of King, commencing at the northeast angle of the Township of King being in Concession I of the said Township;

THENCE southerly along the eastern boundary of the said Township to the intersection of the easterly prolongation of the northerly limit of Lot 86 in Concession I of the Township of King;

THENCE westerly to and along the northerly limit of said Lot 86 and its prolongation to the centre line of the road allowance between concessions I and II of the said Township of King;

THENCE northerly along the centre line of road allowance between concessions I and II to the northerly boundary of the said Township;

THENCE easterly along the boundary between the townships of King and East Gwillimbury to the point of commencement;

THIRDLY, part of the Township of Whitchurch, commencing at the intersection of the westerly boundary of the Township of Whitchurch with the westerly prolongation of the northerly limit of Lot 86 in Concession I of the said Township;

THENCE northerly along the west boundary of the said Township of Whitchurch to the northwest angle thereof;

THENCE easterly along the northerly boundary of the Township of Whitchurch to where it is intersected by the westerly limit of the King's Highway Number 404, the said westerly limit of highway being 150 feet and measured at right angles from the centre line of highway;

THENCE southerly along the westerly limit of Highway Number 404, as defined to its intersection with the northerly limit of Lot 26 in Concession III of the Township of Whitchurch;

THENCE westerly along the north limit of Lot 26 in concessions III and II and continuing westerly to and along the northerly limit of Lot 86 in Concession I of the Township of Whitchurch and its westerly prolongation to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Town of Newmarket;

- (g) The portions of the Township of King, the Township of Markham, the Township of Vaughan and the Township of Whitchurch, described as follows, are annexed to the Town of Richmond Hill:

FIRSTLY, part of the Township of King, commencing at the southeast angle of the Township of King;

THENCE westerly along the southerly boundary of the said Township to where it is intersected by the southerly prolongation of the centre line of road allowance between concessions I and II of the Township of King;

THENCE northerly to and along the centre line of the said road allowance to the westerly prolongation of the centre line of the road allowance between lots 70 and 71 in Concession I of the Township of King;

THENCE easterly to and along the centre line of the road allowance between the said lots 70 and 71 and its easterly prolongation to the easterly boundary of the Township of King;

THENCE southerly along the easterly boundary of the said Township to the point of commencement;

SECONDLY, part of the Township of Markham, commencing at the northwesterly angle of the Township of Markham;

THENCE easterly along the northerly boundary of the said Township to where it is intersected by the westerly limit of the King's Highway Number 404, the said westerly limit of highway being 150 feet and measured at right angles from the centre line of highway;

THENCE southerly along the westerly limit of Highway Number 404, as defined to where it is intersected with the northerly limit of the King's Highway Number 7;

THENCE westerly along the northerly limit of Highway Number 7 to the westerly boundary of the Township of Markham;

THENCE northerly along the westerly boundary of the said Township to the southerly boundary of the Town of Richmond Hill;

THENCE following the boundaries between the Township of Markham and the Town of Richmond Hill to the west boundary of the said Township;

THENCE northerly along the western boundary of the Township of Markham to the point of commencement;

THIRDLY, part of the Township of Vaughan, commencing at a point in the easterly boundary of the Township of Vaughan where it is intersected by the northerly limit of the King's Highway Number 7;

THENCE westerly to and along the northerly limit of Highway Number 7 to the centre line of the road allowance between concessions I and II of the said Township of Vaughan;

THENCE northerly along the said centre line of road allowance between concessions I and II and its northerly prolongation to the northerly boundary of the Township of Vaughan;

THENCE easterly along the northerly boundary of the Township of Vaughan to the northeast angle thereof;

THENCE southerly along the easterly boundary of the said Township to the northerly boundary of the Town of Richmond Hill;

THENCE following the boundaries between the Township of Vaughan and the Town of Richmond Hill to the east boundary of the said Township;

THENCE southerly along the eastern boundary of the said Township of Vaughan to the point of commencement;

FOURTHLY, part of the Township of Whitchurch, commencing at the point of intersection of the western boundary of the Township of Whitchurch with the westerly prolongation of the centre line of the road allowance between lots 70 and 71 in Concession I of the said Township;

THENCE easterly to and along the centre line of the road allowance between the said lots 70 and 71 to and along the centre of road allowance between lots 10 and 11 in concessions II and III of the Township of Whitchurch to where it is intersected by the westerly limit of the King's Highway Number 404, the said westerly limit of highway being 150 feet and measured at right angles from the centre line of highway;

THENCE southerly along the westerly limit of Highway Number 404, as defined to the southerly boundary of the said Township of Whitchurch;

THENCE westerly along the southerly boundary of the said Township to the southwest angle thereof;

THENCE northerly along the west boundary of the Township of Whitchurch to the point of commencement;

(h) The portions of the Township of King and the Township of Vaughan, described as follows, are annexed to the Village of Woodbridge to establish

a town municipality bearing the name of The Corporation of the Town of Vaughan:

FIRSTLY, part of the Township of King, commencing at the point of intersection of the south boundary of the Township of King with the southerly prolongation of the centre line of road allowance between concessions I and II of the said Township;

THENCE northerly to and along the centre line of the road allowance between the said concessions to the easterly prolongation of the northerly limit of Lot 1 in Concession II of the Township of King;

THENCE westerly to and along the northerly limit of Lot 1 in concessions II, III, IV, V, VI, VII, VIII, IX, X and XI of the said Township of King and the last-mentioned limit prolonged to the westerly boundary of the said Township;

THENCE southerly along the westerly boundary of the Township of King to the southwesterly angle thereof;

THENCE easterly along the south boundary of the said Township to the point of commencement;

SECONDLY, part of the Township of Vaughan, commencing at a point in the north boundary of the said Township of Vaughan where it is intersected by the northerly prolongation of the centre line of road allowance between concessions I and II of the said Township;

THENCE southerly to and along the centre line of said road allowance southerly to intersect the northerly limit of the King's Highway Number 7;

THENCE easterly along the northerly limit of said Highway Number 7 and its easterly prolongation to the east boundary of the said Township of Vaughan;

THENCE southerly along the east boundary of the Township of Vaughan to the southeasterly angle thereof;

THENCE westerly along the south boundary of the Township of Vaughan to its southwest angle;

THENCE northerly along the westerly boundary of the said Township to the northwesterly angle thereof;

THENCE easterly along the north boundary of the said Township of Vaughan to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Village of Woodbridge;

- (i) The portions of the Township of Markham and the Township of Whitchurch described as follows, are annexed to the Village of Stouffville to establish a town municipality bearing the name of The Corporation of the Town of Whitchurch-Stouffville:

FIRSTLY, part of the Township of Markham, commencing at the point of intersection of the east boundary of the said Township of Markham and the easterly prolongation of the northerly limit of Lot 31 in Concession X of the said Township;

THENCE westerly to and along the northerly limit of Lot 31 in concessions X, IX, VIII, VII, VI, V, IV and III to where it is intersected with the westerly limit of the King's Highway Number 404, the said westerly limit of highway being 150 feet and measured westerly at right angles from the centre line of highway;

THENCE northerly along the westerly limit of Highway Number 404, as defined to the northerly boundary of the Township of Markham;

THENCE easterly along the northerly boundary of the said Township to the westerly boundary of the Village of Stouffville;

THENCE following the boundaries between the Township of Markham and the Village of Stouffville to the northerly boundary of the said Township;

THENCE easterly along the northerly boundary of the said Township to the northeast angle thereof;

THENCE southerly along the east boundary of the Township of Markham to the point of commencement;

SECONDLY, part of the Township of Whitchurch, commencing at the northeast angle of the Township of Whitchurch;

THENCE westerly along the north boundary of the said Township to the westerly limit of the King's Highway Number 404, the said westerly limit of highway being 150 feet and measured at right angles from the centre line of highway;

THENCE southerly along the westerly limit of Highway Number 404, as described to the south boundary of the Township of Whitchurch;

THENCE easterly along the southerly boundary of the said Township of Whitchurch to the westerly boundary of the Village of Stouffville;

THENCE following the boundaries between the Township of Whitchurch and the Village of Stouffville to the south boundary of the said Township;

THENCE easterly along the south boundary of the Township of Whitchurch to the southeast angle thereof;

THENCE northerly along the east boundary of the said township to the point of commencement. R.S.O. 1970, c. 408, s. 2 (1); 1972, c. 78, s. 1.

Dissolution
of police
villages

(2) The following police villages are dissolved on the 1st day of January, 1971:

1. The Police Village of Holland Landing.
2. The Police Village of King City.
3. The Police Village of Maple.
4. The Police Village of Mount Albert.
5. The Police Village of Nobleton.
6. The Police Village of Queensville.
7. The Police Village of Schomberg.
8. The Police Village of Sharon.
9. The Police Village of Thornhill.
10. The Police Village of Unionville.

R.S.O. 1970, c. 408, s. 2 (2).

(3) On the 1st day of January, 1977, The Corporation of the Township of East Gwillimbury is erected into a town municipality bearing the name of The Corporation of the Town of East Gwillimbury.

Township
of East
Gwillimbury
erected into
town
municipality

(4) Sections 17, 19 and 22 of *The Municipal Act*, being chapter 284 of the Revised Statutes of Ontario, 1970, apply with necessary modifications in respect of the erecting of The Corporation of the Township of East Gwillimbury into a town municipality.

Application

(5) A reference in this or any other general or special Act to The Corporation of the Township of East Gwillimbury or to the Township of East Gwillimbury shall be deemed to be a reference to The Corporation of the Town of East Gwillimbury and to the Town of East Gwillimbury, respectively. 1976, c. 70, s. 12.

References
in Acts

(6) For the purposes of every Act, the amalgamations, annexations and dissolutions provided for in this Part shall be deemed to have been effected by orders of the Municipal Board not subject to section 42 of the *Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the 26th day of June, 1970, pursuant to applications made under sections 14 and 25 of *The Municipal Act*, being chapter 249 of the Revised Statutes of Ontario, 1960, and, subject to the provisions of this Act, the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations, annexations and dissolutions, and sections 94 and 95 of the *Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers and "municipalities" in clause 14 (11) (a) of the *Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed. R.S.O. 1970, c. 408, s. 2 (3).

Amalgama-
tions and
annexations
deemed by
Municipal
Board
orders
R.S.O. 1980,
c. 347

R.S.O. 1980,
c. 302

3.—(1) The council of each area municipality shall be composed of a mayor, who shall be elected by a general vote of the electors of the area municipality and shall be the head of the council, and the following number of other members of council:

Composition
of councils

1. The Town of Aurora—Except as may be provided under subsection (2), eight members elected by a general vote of the electors of the area municipality.
2. The Town of Markham—Ten members, three of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and, except as may be provided under subsection (2), seven members elected by wards.

3. The Town of Newmarket—Eight members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the Regional Council, and, except as may be provided under subsection (2), seven members elected by a general vote of the electors of the area municipality.
4. The Town of Richmond Hill—Eight members, two of whom shall be elected by a general vote of the electors of the area municipality as members of the council of the area municipality and of the Regional Council, and, except as may be provided under subsection (2), six members elected by wards.
5. The Town of Vaughan—Six members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the Regional Council, and, except as may be provided under subsection (2), five members elected by a general vote of the electors of the area municipality.
6. The Town of Whitchurch-Stouffville—Except as may be provided under subsection (2), six members elected by wards.
7. The Town of East Gwillimbury—Except as may be provided under subsection (2), four members elected by a general vote of the electors of the area municipality.
8. The Township of Georgina—Eight members, one of whom shall be elected by a general vote of the electors of the area municipality as a member of the council of the area municipality and of the Regional Council, and, except as may be provided under subsection (2), seven members elected by wards.
9. The Township of King—Except as may be provided under subsection (2), six members elected by wards.
R.S.O. 1970, c. 408, s. 3 (1).

Alteration
of wards, etc.,
by O.M.B.

(2) Notwithstanding the provisions of this or any other Act, upon the application of an area municipality authorized by a by-law of the council thereof, or upon the petition of electors in accordance with the provisions of section 13 of the *Municipal Act*, the Municipal Board may, by order,

R.S.O. 1980,
c. 302

- (a) divide or redivide the area municipality into wards, and shall designate the name or number each ward shall bear and shall declare the date when the division or redivision shall take effect;
- (b) alter or dissolve any or all of the wards in the area municipality and shall declare the date when such alterations or dissolutions shall take effect; or
- (c) vary the composition of the council of the area municipality,

provided that,

- (d) no order made under this section shall alter the total number of members who represent the area municipality on the Regional Council as provided for in this Act; and
- (e) the mayor of the area municipality shall continue to be elected by a general vote of the electors of the area municipality, and shall be the head of the council of the area municipality, and shall be a member of the Regional Council, as provided for in this Act. 1976, c. 43, s. 27 (1).

(3) Notwithstanding section 6, the Lieutenant Governor in Council, upon the recommendation of the Minister, may by order authorize such method of selecting the members who represent the area municipality on the Regional Council as is considered advisable following an order of the Municipal Board under subsection (2). 1977, c. 34, s. 11.

Order of
L. G. in C.

(4) Where the Minister is inquiring into the structure, organization and methods of operation of one or more area municipalities or the Regional Corporation, he may give notice to the Municipal Board of such inquiry and that in his opinion any application or applications and any petition or petitions made under subsection (2) should be deferred until the inquiry has been completed and considered, and thereupon all proceedings in any such application are stayed until he gives notice to the Municipal Board that they may be continued. 1979, c. 81, s. 32.

Stay of
proceedings
pending
completion
of inquiry

PART II

INCORPORATION AND COUNCIL OF REGIONAL AREA

4.—(1) The inhabitants of the Regional Area are continued a body corporate under the name of "The Regional Municipality of York".

Regional
Corporation
continued

Deemed
municipality
under
R.S.O. 1980,
c. 303, 347

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of the *Municipal Affairs Act* and the *Ontario Municipal Board Act*. R.S.O. 1970, c. 408, s. 5 (1, 2).

Regional
Area forms
judicial
district

(3) The Regional Area, for judicial purposes, forms the Judicial District of York Region. R.S.O. 1970, c. 408, s. 5 (3), *revised*.

Registry
boundaries

(4) Nothing in this Act shall be deemed to alter the boundaries of any registry or land titles division. R.S.O. 1970, c. 408, s. 5 (4).

Regional
Council to
exercise
corporate
powers

5.—(1) The powers of the Regional Corporation shall be exercised by the Regional Council and, except where otherwise provided, the jurisdiction of the Regional Council is confined to the Regional Area.

Powers
exercised
by by-law

(2) Except where otherwise provided, the powers of the Regional Council shall be exercised by by-law.

Not to be
quashed as
unreasonable

(3) A by-law passed by the Regional Council in the exercise of any of its powers and in good faith shall not be open to question, or be quashed, set aside or declared invalid either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them. R.S.O. 1970, c. 408, s. 6.

Composition
of Regional
Council

6. The Regional Council shall consist of eighteen members composed of a chairman and,

- (a) the head of the council of each area municipality;
- (b) three members of the council of the area municipality of the Town of Markham who have been elected as members of the Regional Council and of the council of such area municipality;
- (c) one member of the council of the area municipality of the Town of Newmarket who has been elected as a member of the Regional Council and of the council of such area municipality;
- (d) two members of the council of the area municipality of the Town of Richmond Hill who have been elected as members of the Regional Council and of the council of such area municipality;
- (e) one member of the council of the area municipality of the Town of Vaughan who has been elected as a member of the Regional Council and of the council of such area municipality;

- (f) one member of the council of the area municipality of the Township of Georgina who has been elected as a member of the Regional Council and of the council of such area municipality. 1978, c. 33, s. 29.

7.—(1) At the first meeting of the Regional Council after a regular election at which a quorum is present, the Regional Council shall organize as a council and elect as chairman one of the members of the Regional Council, or any other person, to hold office for the term of the council and until his successor is appointed or elected in accordance with this Act, and at such meeting the officer appointed under section 17 shall preside until the chairman is elected. 1978, c. 33, s. 30 (1).

Election of
chairman

(2) Where a member of the council of an area municipality becomes chairman, he shall be deemed to have resigned as a member of such council, and his seat on such council thereby becomes vacant. R.S.O. 1970, c. 408, s. 8 (3).

Resignation
from area
council

(3) If at the first meeting of the Regional Council after a regular election a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for the term of the council and until his successor is elected or appointed in accordance with this Act. 1978, c. 33, s. 30 (2).

Failure
to elect
chairman

8.—(1) Notwithstanding any other general or special Act, the first meeting of the council of each area municipality after a regular election shall be held not later than the seventh day following the day on which the term of office in respect of which the election was held commences.

First
meeting
of area
councils

(2) The first meeting of the Regional Council after a regular election shall be held after the councils of the area municipalities have held their first meetings under subsection (1), but in any event not later than the fourteenth day following the day on which the term of office in respect of which the election was held commences, on such date and at such time and place as may be fixed by by-law of the Regional Council. 1978, c. 33, s. 31.

First
meeting
of Regional
Council

(3) A person entitled to be a member of the Regional Council in accordance with section 6 shall not take his seat until he has filed with the person presiding at a meeting a certificate under the hand of the clerk of the area municipality which he represents, and under the seal of the area municipality certifying that he is entitled to be a member of the Regional Council. R.S.O. 1970, c. 408, s. 9 (4).

Certificate of
qualification

Oath of
allegiance of
qualification

(4) The chairman, before taking his seat, shall take an oath of allegiance in Form 1 and a declaration of qualification in Form 2.

Declarations
of office
R.S.O. 1980,
c. 302

(5) No business shall be proceeded with at the first meeting until after the declarations of office in Form 3 of the *Municipal Act* have been made by all members who present themselves for that purpose.

When
Council
deemed
organized

(6) The Regional Council shall be deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in subsection 10 (1). R.S.O. 1970, c. 408, s. 9 (6-8).

Place of
meeting

9. Subject to section 8, all meetings of the Regional Council shall be held at such place within the Regional Area and at such times as the Regional Council from time to time appoints. R.S.O. 1970, c. 408, s. 10.

Quorum,
voting

10.—(1) Ten members of the Regional Council representing at least five area municipalities are necessary to form a quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure. R.S.O. 1970, c. 408, s. 11 (1); 1978, c. 33, s. 32.

One vote

(2) Subject to subsection (3), each member of the Regional Council has one vote only.

Chairman
vote

(3) The chairman does not have a vote except in the event of an equality of votes. R.S.O. 1970, c. 408, s. 11 (2, 3).

Vacancies,
chairman

11.—(1) When a vacancy occurs in the office of a chairman who has been appointed by the Lieutenant Governor in Council, some person shall be appointed by the Lieutenant Governor in Council to hold office as chairman for the remainder of the term of his predecessor.

Idem

(2) When a vacancy occurs in the office of a chairman who has been elected under subsection 7 (1), the Regional Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman who may be one of the members of the Regional Council, or any other person, to hold office for the remainder of the term of his predecessor.

Idem

(3) If the Regional Council fails to elect a chairman within twenty days as required by subsection (2), the Lieutenant Governor in Council may appoint a person as chairman to hold office for the remainder of the term of his predecessor. R.S.O. 1970, c. 408, s. 12 (1-3).

(4) When a vacancy occurs in the office of a member, other than the chairman or the head of the council of an area municipality, the council of the area municipality of which he was a member shall by by-law within sixty days after the vacancy occurs appoint a successor, who may be a member of the council or a person who is eligible to be elected a member of the council to hold office for the remainder of the term of his predecessor. R.S.O. 1970, c. 408, s. 12 (4); 1976, c. 43, s. 28.

Other
members

(5) Where a member has been elected as a member of the Regional Council and of the council of an area municipality, resignation from either council shall be deemed to be resignation from both councils.

Resignation

(6) Section 39 of the *Municipal Act*, except clauses (d) and (f), applies to the Regional Council.

When seat
to become
vacant
R.S.O. 1980,
c. 302

(7) In the event that the head of a council of an area municipality is for any reason unable to fulfil his duties as a member of the Regional Council for a period exceeding one month, the council of the area municipality may by by-law appoint one of its members as an alternate representative to the Regional Council who shall act in the place and stead of the head of council during his incapacity, but no such by-law shall have effect for a period longer than one month from its effective date. R.S.O. 1970, c. 408, s. 12 (5-7).

Where head
of council
inca-
pacitated

12. The Regional Council may from time to time establish such standing or other committees and assign to them such duties as it considers expedient. R.S.O. 1970, c. 408, s. 14 (1).

Committees
of council

13. The Regional Council may pass by-laws for governing the proceedings of the Regional Council and any of its committees, the conduct of its members and the calling of meetings. R.S.O. 1970, c. 408, s. 15.

Procedural
by-laws

14.—(1) The chairman is the head of the Regional Council and is the chief executive officer of the Regional Corporation.

Head of
council

(2) The Regional Council may by by-law appoint a chief administrative officer, who,

Chief
administra-
tive officer

(a) shall have such general control and management of the administration of the government and affairs of the Regional Corporation and perform such duties as the Regional Council by by-law prescribes;

- (b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;
- (c) shall hold office during the pleasure of the Regional Council; and
- (d) shall receive such salary as the Regional Council by by-law determines.

Application of R.S.O. 1980, c. 302, s. 99 (2) (3) Subsection 99 (2) of the *Municipal Act* applies to a chief administrative officer appointed under subsection (2). R.S.O. 1970, c. 408, s. 16.

Acting
chairman

15.—(1) When the chairman is absent or refuses to act, or his office is vacant, the Regional Council may by resolution appoint one of its members to act in his place and stead and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman.

Idem

(2) The Regional Council may by by-law appoint a member of the Regional Council to act from time to time in the place and stead of the chairman when the chairman is absent from the Regional Area or absent through illness or his office is vacant and, while so acting, such member has and may exercise all the rights, powers and authority of the chairman. 1974, c. 117, s. 13.

Application of R.S.O. 1980, c. 302

16.—(1) Sections 57, 58, 60, 62, 63, 129, 137 to 141, 238, 239, 240 to 244, 247, 248, 249 and 250 of the *Municipal Act* apply with necessary modifications to the Regional Corporation. 1980, c. 33, s. 6.

Idem

(2) Sections 55, 64, 65 and 107 of the *Municipal Act* apply with necessary modifications to the Regional Council and to every local board of the Regional Council. R.S.O. 1970, c. 408, s. 18 (2).

Appoint-
ment of
officer and
his duties

17.—(1) The Regional Council shall appoint an officer, whose duty it is,

- (a) to record truly in a book, without note or comment, all resolutions, decisions and other proceedings of the Regional Council;
- (b) if required by any member present, to record the name and vote of every member voting on any matter or question;
- (c) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of

all minutes of the proceedings of the Regional Council and its committees; and

- (d) to perform such other duties as may be assigned to him by the Regional Council.

(2) The Regional Council may appoint a deputy who shall have all the powers and duties of the officer appointed under subsection (1). Deputy officer

(3) When the office of the officer appointed under subsection (1) is vacant or the incumbent is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting officer *pro tempore* who shall have all the powers and duties of the officer appointed under subsection (1). Acting officer

(4) An officer appointed under this section is deemed to be the clerk of the Regional Corporation for the purposes of every Act. R.S.O. 1970, c. 408, s. 19. Officer deemed clerk under other Acts

18.—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents in the possession or under the control of an officer appointed under section 17, except interdepartmental correspondence and reports of officials of any department or of solicitors for the Regional Corporation made to the Regional Council or any of its committees, and the officer within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the Regional Corporation to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the Regional Council may fix. Minutes open to inspection and copies to be furnished

(2) The officer appointed under section 17 shall keep an index book in which he shall enter the number and date of all by-laws passed by the Regional Council that affect land or the use thereof in the Regional Area but do not directly affect the title to land. Index of by-laws affecting land

(3) A copy of any record, book or document in the possession or under the control of an officer appointed under section 17, purporting to be certified under his hand and seal of the Regional Corporation, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs. R.S.O. 1970, c. 408, s. 20. Copies certified by officer to be receivable in evidence

Appoint-
ment of
financial
officer

19.—(1) The Regional Council shall appoint a financial officer to undertake the duties of a treasurer and such financial officer shall keep the books, records and accounts, and prepare the annual financial statements of the Regional Corporation and preserve and file all accounts of the Regional Corporation, and shall perform such other duties as may be assigned to him by the Regional Council.

Deputy
financial
officer

(2) The Regional Council may appoint a deputy financial officer who shall have all the powers and duties of the financial officer.

Acting
financial
officer

(3) When the office of financial officer is vacant or the financial officer is unable to carry on his duties, through illness or otherwise, the Regional Council may appoint an acting financial officer *pro tempore* who shall have all the powers and duties of the financial officer.

Financial
officer
deemed
treasurer
under other
Acts

(4) A financial officer appointed under this section is deemed to be the treasurer of the Regional Corporation for the purposes of every Act. R.S.O. 1970, c. 408, s. 21.

Receipt and
disburse-
ment of
money

20.—(1) The financial officer shall receive and safely keep all money of the Regional Corporation, and shall pay out money to such persons and in such manner as the law in force in Ontario and the by-laws or resolutions of the Regional Council direct, provided that every cheque issued by the financial officer shall be signed by the financial officer and by some other person or persons designated for the purpose by by-law or resolution of the Regional Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized.

Signing
of cheques

(2) Notwithstanding subsection (1), the Regional Council may by by-law,

- (a) designate one or more persons to sign cheques in lieu of the financial officer; and
- (b) provide that the signature of the financial officer and of any other person authorized to sign cheques may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

Petty cash
fund

(3) The Regional Council may by by-law provide that the financial officer may establish and maintain a petty cash fund of an amount of money sufficient to make change and to pay small accounts, subject to such terms and conditions as the by-law may provide. R.S.O. 1970, c. 408, s. 22 (1-3).

(4) Except where otherwise expressly provided by this Act, a member of the Regional Council shall not receive any money from the financial officer for any work or service performed or to be performed, but nothing in this subsection prevents the payment of any moneys under any contract in respect of which the member has complied with section 2 of the *Municipal Conflict of Interest Act*. R.S.O. 1970, c. 408, s. 22 (4); 1973, c. 156, s. 1. Member of Council, when he may be paid for work
R.S.O. 1980, c. 305

(5) The financial officer is not liable for money paid by him in accordance with a by-law or resolution of the Regional Council, unless another disposition of it is expressly provided for by statute. R.S.O. 1970, c. 408, s. 22 (5). Financial officer's liability limited

21. Subject to subsection 20 (3), the financial officer shall, Bank accounts

- (a) open an account or accounts in the name of the Regional Corporation in such of the chartered banks of Canada or at such other place of deposit as may be approved by the Regional Council;
- (b) deposit all money received by him on account of the Regional Corporation, and no other money, to the credit of such account or accounts, and no other account; and
- (c) keep the money of the Regional Corporation entirely separate from his own money and from that of any other person

and, notwithstanding subsection 20 (1), the Regional Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the financial officer vary from such provisions. R.S.O. 1970, c. 408, s. 23.

22.—(1) The financial officer shall prepare and submit to the Regional Council, monthly, a statement of the money at the credit of the Regional Corporation. Monthly statement by financial officer

(2) Where the financial officer is removed from office or absconds, the Regional Council shall forthwith give notice to his sureties. R.S.O. 1970, c. 408, s. 24. Notice to sureties

23.—(1) The Regional Council shall by by-law appoint one or more auditors who shall be persons licensed by the Ministry as municipal auditors and who shall hold office during good behaviour and be removable for cause by the Regional Council and the auditor or auditors so appointed shall audit the accounts and transactions of the Regional Corporation and of every local board of the Regional Corporation. 1977, c. 34, s. 12. Appointment of auditors

Cost of
audit

(2) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the Regional Corporation and charged back to the local board, and, in the event of a dispute as to the amount of the cost, the Ministry may upon application finally determine the amount thereof. R.S.O. 1970, c. 408, s. 25 (2); 1972, c. 1, s. 1.

Disqualifica-
tion of
auditors

(3) No person shall be appointed as an auditor of the Regional Corporation who is or during the preceding year was a member of the Regional Council or of the council of an area municipality or of any local board the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the Regional Corporation or an area municipality or any such local board, or any employment with any of them other than for services within his professional capacity. R.S.O. 1970, c. 408, s. 25 (3); 1976, c. 43, s. 29.

Duties of
auditors

(4) An auditor shall perform such duties as are prescribed by the Ministry, and also such duties as may be required by the Regional Council or any local board of the Regional Corporation that do not conflict with the duties prescribed by the Ministry. R.S.O. 1970, c. 408, s. 25 (4); 1972, c. 1, s. 1.

Audit of
accounts
before
payment

(5) The Regional Council may provide that all accounts shall be audited before payment. R.S.O. 1970, c. 408, s. 25 (5).

Application of
R.S.O. 1980,
c. 302

24.—(1) Sections 84, 85, 90, 92, 93, 94 and 96, subsections 98 (1), (4) and (5), sections 99, 100, 109 and 117 and paragraphs 10, 45, 46, 47, 48, 49 and 51 of section 208 of the *Municipal Act* apply with necessary modifications to the Regional Corporation.

Pensions

(2) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of York or a local board thereof, the Regional Corporation or local board thereof shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the 26th day of June, 1970 in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the Regional Corporation or local board thereof and such employee shall have uninterrupted membership or entitlement to membership, as the case may be, in the Ontario Municipal Employees Retirement System.

(3) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area, the employee shall be deemed to remain an employee of the local municipality or local board thereof for the purposes of his entitlement under any approved pension plan. Idem

(4) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of York or a local board thereof, the employee shall be deemed to remain an employee of the municipality or local board thereof until the Regional Corporation or local board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the Regional Corporation, whereupon the Regional Corporation or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the municipality or local board thereof. Sick leave credits

(5) Where the Regional Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the Regional Area or by the County of York or a local board thereof or a roads commission, the Regional Corporation or local board thereof shall, during the first year of his employment by the Regional Corporation or local board thereof, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the municipality or local board thereof. Holidays

(6) The Regional Council shall offer to employ every person who, on the 1st day of April, 1970, is employed by the County of York or by any roads commission or the health unit for the County of York or in any undertaking of any local municipality or local board that is assumed by the Regional Corporation under this Act and who continues to be so employed until the 31st day of December, 1970. Offer of continuation of employment by Regional Council
R.S.O. 1970, c. 408, s. 26 (1-6).

(7) The Regional Corporation shall be deemed to be a municipality for the purposes of the *Ontario Municipal Employees Retirement System Act*. Application of R.S.O. 1980, c. 348

(8) The employees of the local municipalities and the local boards thereof within the Regional Area, which are amalgamated or annexed in whole or in part to form an area municipality, who were employed by such a local municipality or local board on the 1st day of April, 1970, and continue to be so employed until the 31st day of Offer of continuation of employment by area council

December, 1970, except employees offered employment by the Regional Council under subsection (6), shall be offered employment by the council of the area municipality with which they are amalgamated or to which they are annexed.

Sick leave
credits

(9) Any sick leave credits standing, on the 31st day of December, 1970, to the credit of any person who accepts employment under subsection (8) shall be placed to the credit of such employee in any sick leave credit plan established by the new employer.

Holidays

(10) Any person who accepts employment under subsection (8) shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the local municipality or local board by which he was formerly employed. R.S.O. 1970, c. 408, s. 26 (8-11).

Pension
rights and
sick leave
credits

(11) Where, under the provisions of this section, any employee, in the opinion of the Minister, experiences any difficulty or hardship with regard to the transfer of any pension rights or sick leave credits, the Minister may by order do anything necessary to remedy or alleviate such difficulty or hardship. 1973, c. 156, s. 2.

Termination
of employ-
ment

(12) Nothing in this section prevents any employer from terminating the employment of an employee for cause. R.S.O. 1970, c. 408, s. 26 (12).

PART III

REGIONAL WATERWORKS SYSTEM

Establish-
ment of
waterworks

25.—(1) For the purpose of supplying to the area municipalities water for the use of the area municipalities and their inhabitants, the Regional Corporation has all the powers conferred by any general Act upon a municipal corporation, and by any special Act upon any local municipality or local board thereof within the Regional Area, respecting the supply of water and the establishment, construction, maintenance, operation, improvement and extension of a waterworks system.

Waterworks
utilities
commission
prohibited

(2) The Regional Corporation shall not entrust the construction or the control and management of the regional waterworks system to a public utilities commission. R.S.O. 1970, c. 408, s. 27.

26.—(1) The Regional Corporation may pass by-laws for constructing, maintaining, improving, repairing, widening, altering, diverting and stopping up works for the production, treatment and storage of water and trunk distribution mains connected therewith. Construction, etc., of waterworks system

(2) Where in the opinion of the Regional Council an area municipality or a portion thereof will or may derive a special benefit from the assumption or construction and operation of a waterworks system, the Regional Council may, with the approval of the Municipal Board, at the time of authorizing the construction, extension or improvement of a waterworks system and at any time in respect of the assumption of a waterworks system by by-law provide that the area municipality shall be chargeable with and shall pay to the Regional Corporation the whole or such portion of the capital cost thereof as the by-law specifies, and such by-law is binding on the area municipality. Special benefit

(3) When an area municipality receives a special benefit by the extension or improvement of a waterworks system and the capital cost of the work has already been apportioned by by-law, the Regional Council may with the approval of the Municipal Board repeal or amend any such by-law and reapportion the capital cost of such waterworks system among all the area municipalities which receive a special benefit therefrom. Idem

(4) Where any debt is incurred for the cost of a waterworks system, the area municipality chargeable under the by-law shall make payments to the Regional Corporation with respect to such debt proportionate to its share of the capital cost as set out in the by-law in the same manner as if the debt for such share had been incurred by the Regional Corporation for the purposes of the area municipality. Payments

(5) The area municipality may pay the amounts chargeable to it under this section out of its general funds or, subject to the approval of the Municipal Board, may pass by-laws under section 218 of the *Municipal Act* for imposing water rates to recover the whole or part of the amount chargeable to the area municipality in the same manner as if the waterworks system had been constructed, extended or improved by the area municipality notwithstanding that in the by-law authorizing the waterworks system there was no provision for imposing, with the approval of the Municipal Board, upon owners or occupants of land who derive or will or may derive a benefit from the waterworks system a water rate sufficient to pay for the whole or a portion or percentage of the capital cost of the waterworks system. Raising of money by area municipality
R.S.O. 1980, c. 302
1972, c. 78, s. 3.

Approval of
O.M.B. to
undertaking,
etc.

(6) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for approval of any undertaking, work, project or scheme relating to the supply and distribution of water without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

Powers of
O.M.B.

(7) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection (6) and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered. 1974, c. 117, s. 14.

Assumption
of works
and mains

27.—(1) The Regional Council shall, before the 31st day of December, 1970, pass by-laws which shall be effective on the 1st day of January, 1971, assuming as part of the regional waterworks system all works for the production, treatment and storage of water operated by or on behalf of each area municipality or any local board thereof and all trunk distribution mains connected therewith and all rights and obligations of an area municipality or local board in relation to such works and mains, and on the day any such by-law becomes effective all the real and personal property in relation to the works and mains designated therein vests in the Regional Corporation.

Idem

(2) A by-law under subsection (1) shall designate and describe the works and trunk distribution mains assumed.

Interpre-
tation

(3) For the purpose of subsection (1), a distribution main shall be deemed to be a trunk distribution main if so declared in the by-law assuming it.

Extension
of time

(4) Notwithstanding subsection (1), a by-law for assuming any specific work or trunk distribution main may, with the approval of the Municipal Board, be passed after the 31st day of December, 1970, and in that case the by-law becomes effective on the date provided therein.

Regional
liability

(5) Where the Regional Corporation assumes a work or trunk distribution main vested in an area municipality or local board,

(a) no compensation or damages shall be payable to the area municipality or local board;

(b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts

of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such work or main, but nothing in this clause requires the Regional Corporation to pay that portion of the amounts of principal and interest that under the *Local Improvement Act* is payable as the owners' share of a local improvement work. R.S.O. 1970, c. 408, s. 28 (1-5). R.S.O. 1980,
c. 250

(6) If the Regional Corporation fails to make any payment on or before the due date required by clause (5) (b), the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 34. Default

(7) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the work or trunk distribution main assumed, the Municipal Board, upon application, may determine the matter and its decision is final. Settling
of doubts

(8) In this section, "works" means buildings, structures, plant, machinery, equipment, appurtenances, devices, conduits, intakes, outlets, underground construction and installations and other works designed for the production, treatment and storage of water and includes lands appropriated for such purposes and uses. R.S.O. 1970, c. 408, s. 28 (7, 8). Interpre-
tation

28.—(1) Where any local municipality or a local board thereof within the Regional Area has agreed with any other municipality to supply water to that other municipality, and the works and trunk distribution mains used or required in carrying out such agreement are assumed by the Regional Corporation, the Regional Corporation becomes liable for the supply of water in accordance with the agreement and is bound by all the terms thereof and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder. Existing
agreements

(2) Notwithstanding subsection (1) and notwithstanding anything in the agreement, the Municipal Board, upon the application of the Regional Council or the council of the municipality to which the water is supplied, has jurisdiction and power from time to time to confirm, vary or fix the rates charged or to be charged in connection with water supplied under the agreement. R.S.O. 1970, c. 408, s. 29. Rates

29.—(1) No area municipality, after the 31st day of December, 1970, shall establish, maintain or operate any works for the production, treatment and storage of water. Powers of
area muni-
cipalities
restricted

Proviso

(2) Nothing in this section limits the powers of an area municipality or local board thereof respecting the use and distribution of water supplied to such area municipality by the Regional Corporation. R.S.O. 1970, c. 408, s. 30.

Supply beyond limits of local municipality

30.—(1) No municipality or local board thereof that is supplied with water by the Regional Corporation shall supply or agree to supply any of such water beyond the limits of the municipality without the approval of the Regional Council.

Proviso

(2) Nothing in subsection (1) prohibits an area municipality or local board from supplying water to another municipality where by an agreement entered into before the 12th day of October, 1970, which by reason of an amalgamation or annexation under this Act the area municipality or local board is obligated to supply such water and the works and trunk distribution mains used or required in carrying out such agreement have not been assumed by the Regional Corporation. R.S.O. 1970, c. 408, s. 31.

Regulation of supply, etc.

31.—(1) The Regional Council may pass by-laws for regulating the time, manner, extent and nature of the supply of water from the regional waterworks system, and every other matter or thing related to or connected therewith that it may be necessary and proper to regulate in order to secure to the inhabitants of the Regional Area a continued and abundant supply of pure and wholesome water, and to prevent the practising of frauds on the Regional Corporation with regard to the water so supplied.

Continuation of fluoridation of water supply in area

1960-61, c. 30

(2) Where, immediately before the 1st day of January, 1971, the water supply in any area in the Regional Area was fluoridated as a result of an affirmative vote of the electors to a question submitted to the electors under section 2 of *The Fluoridation Act, 1960-61*, the Regional Corporation may continue to fluoridate the water supply to such area. R.S.O. 1970, c. 408, s. 32.

Maintenance, management, etc.

32. The Regional Council may pass by-laws for the maintenance and management of the regional waterworks system and may also by by-law or resolution fix the charges to meet the cost of any work or service done or furnished for the purposes of the supply of water and the rent of or charges for fittings, apparatus, meters or other things leased or furnished to any municipality. R.S.O. 1970, c. 408, s. 33.

Rates or other charges for water

33.—(1) The Regional Council may pass by-laws fixing the rates or other charges at which water will be supplied to the area municipalities, or parts thereof, and the times and places when and where the rates or other charges shall be payable.

(2) In fixing the rates or other charges, the Regional Council ^{Idem} may use its discretion as to the rate, rates or other charges to be charged to any area municipality or part thereof, and may charge different rates or other charges to one or more of the area municipalities or parts thereof.

(3) The Regional Council shall so fix the rates or other charges at which water is supplied to the area municipalities or parts thereof that the revenues of the waterworks system will be sufficient to make the system self-sustaining after providing for such maintenance, renewals, depreciation, debt charges and reserves as the Regional Council may think proper. 1976, c. 70, s. 13. ^{Self-sustaining}

(4) Clause 53 (1) (k) of the *Ontario Municipal Board Act* does not apply with respect to water supplied by the Regional Corporation to an area municipality. R.S.O. 1970, c. 408, s. 34 (4). ^{R.S.O. 1980, c. 347, s. 53 (1) (k), not applicable}

34.—(1) The Regional Corporation shall supply water to the area municipalities, but, subject to subsection (2), shall not supply water to any other person. ^{Retail sale prohibited}

(2) The Regional Corporation may enter into a contract for the supply of water to any local, regional or metropolitan municipality outside the Regional Area for its use or for resale to the inhabitants thereof for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time. R.S.O. 1970, c. 408, s. 35. ^{Sale to other municipalities}

(3) The Regional Corporation may enter into a contract for the purchase of water from any adjoining regional or metropolitan municipality, and no area municipality shall, after the 1st day of July, 1971, enter into any such contract with any municipality. 1971, c. 75, s. 2. ^{Purchase of water}

35. The Regional Council shall keep separate books and accounts of the revenues, expenditures, assets and liabilities in respect of the regional waterworks system in such manner as may be prescribed by the Ministry. R.S.O. 1970, c. 408, s. 36; 1972, c. 1, s. 1. ^{Books and accounts}

36.—(1) Notwithstanding anything in the *Public Utilities Act* or any other general or special Act, the revenues in respect of the regional waterworks system shall be applied only for, ^{Application of revenues}
R.S.O. 1980, c. 423

- (a) the reduction of any indebtedness assumed or incurred with respect to the system;
- (b) the operation, maintenance, renewal, improvement or extension of the system; or

- (c) the establishment of such reserve funds as the Regional Council may consider proper, to be used at any future time for any purpose mentioned in clause (a) or (b) or for the stabilization of rates,

and any surplus revenues not required for such purposes shall remain credited to the waterworks system accounts and shall not form part of the general funds of the Regional Corporation.

Where levy unnecessary

(2) It is not necessary to levy any rate to provide for principal, interest or other payments on account of any debentures issued or any debt assumed by the Regional Corporation for the purposes of the regional waterworks system except to the extent that the revenues from the system are insufficient to meet the annual payments falling due on account of principal and interest on the debentures or debt.

Reserve Fund

R.S.O. 1980,
c. 512

(3) The moneys forming part of a reserve fund established under subsection (1) shall be paid into a special account and may be invested in such securities as a trustee may invest in under the *Trustee Act* and the earnings derived from the investment of such moneys shall form part of the reserve fund.

Application of reserve fund

(4) The moneys forming part of a reserve fund established under subsection (1) shall be applied or expended only for the purposes of the regional waterworks system. R.S.O. 1970, c. 408, s. 37.

Disposal of property

37.—(1) Subject to section 44, the Regional Corporation may sell, lease or otherwise dispose of any real or personal property acquired, held or used for or in connection with the regional waterworks system that, in the opinion of the Regional Council, is no longer required for the purposes of the waterworks system but, where the property is actually used for the purposes of the waterworks system, no such sale, lease or other disposition shall be made without the approval of the Municipal Board.

Proceeds

(2) The proceeds of any such sale, lease or other disposition shall be applied first in redemption and payment of any indebtedness assumed or incurred in respect of the property disposed of, and the balance shall form part of the revenues in respect of the regional waterworks system. R.S.O. 1970, c. 408, s. 38.

Temporary shut-offs

38.—(1) The Regional Corporation is not liable for damages caused by the shut-off or reduction of the amount of water supplied to an area municipality in cases of emergency or breakdown or when it is necessary in maintaining or extending the system, but the Regional Council shall wherever

possible give to any area municipality reasonable notice of intention to shut off or reduce the supply of water.

(2) Where the supply of water by the Regional Corporation to an area municipality is interrupted or reduced, the area municipality or its local board may, notwithstanding anything in any contract, allocate and distribute its available water among its customers and may interrupt or decrease the delivery of water under any contract, and nothing done under this subsection shall be deemed to be a breach of contract or entitle any person to rescind any contract or release any guarantor from the performance of his obligation. No breach of contract
R.S.O. 1970, c. 408, s. 39.

39.—(1) The Regional Council may pass by-laws establishing standards for and regulating and governing the design, construction and maintenance of local water distribution works by the area municipalities and may provide in any such by-law for the inspection of such local works, and every area municipality and local board shall conform to such by-laws. Standards for local systems

(2) No area municipality or local board thereof shall construct or extend any local water distribution works or connect the works or any part thereof to any work or main of the Regional Corporation without the approval of the Regional Council. Approval of local extensions and connections
R.S.O. 1970, c. 408, s. 40.

40. If the council of an area municipality considers itself aggrieved by the refusal of the Regional Corporation or the Regional Council, Appeal

- (a) to assume as a regional work any local work;
- (b) to construct any extension of the regional distribution system;
- (c) to maintain or increase the supply of water to the area municipality;
- (d) to approve the construction or extension of any local water distribution works by the area municipality; or
- (e) to permit the connection or the continuance of a connection to the regional system,

the council may appeal to the Municipal Board which may make such order as it considers advisable in the matter, and the decision of the Municipal Board is final. R.S.O. 1970, c. 408, s. 41.

Payment
of charges

41.—(1) All rates and charges against an area municipality or local board thereof imposed under the authority of this Part are a debt of the area municipality to the Regional Corporation, and the treasurer of every area municipality shall pay the same to the financial officer of the Regional Corporation at the times and in the amounts specified by by-law of the Regional Council. R.S.O. 1970, c. 408, s. 42 (1).

Discounts
and
penalties

(2) The Regional Corporation may by by-law provide for uniform rates of discount for prompt payment of charges for water supplied to the area municipalities and may by by-law provide for the payment of interest in the event of default at a rate of 15 per cent per annum, or such lower rate as the Regional Council determines, while such default continues. 1979, c. 81, s. 35.

Transfer
of rights
over works
assumed

42. The Regional Corporation has, in respect of all works and trunk distribution mains assumed as part of the regional waterworks system, all the rights, powers, benefits and advantages conferred either by by-law or contract or otherwise upon the area municipality or area municipalities or their local boards with respect to such works or mains before they were assumed by the Regional Corporation, and the Regional Corporation may sue upon such rights or under such by-laws or agreements in the same manner and to the same extent as the area municipality or municipalities or local board or boards might have done if such works or mains had not been assumed. R.S.O. 1970, c. 408, s. 43.

Inspection
of local
works

43. Any person authorized by the Regional Council has free access from time to time, upon reasonable notice given and request made, to all works for the distribution of water within an area municipality and to all lands, buildings and premises used in connection therewith and the right upon the like notice and request to inspect and copy all plans, records and specifications and other information relating to the construction, extension or maintenance of such local works. R.S.O. 1970, c. 408, s. 44.

Reversion
where mains
no longer
required

44. Where a distribution main has been assumed by the Regional Corporation under section 27 and, in the opinion of the Regional Council, is no longer required for the purposes of the regional waterworks system but is, in the opinion of the council of the area municipality in which it is situate, required as a local distribution main by the area municipality, the Regional Council shall by by-law remove the main from the regional waterworks system and transfer it and all rights and obligations relating thereto to the area municipality. R.S.O. 1970, c. 408, s. 45.

Use of
regional
works

45. The works and mains assumed by the Regional Corporation under section 27, together with any extensions or

additions thereto constructed by the Regional Corporation, may be used by the Regional Corporation for the purpose of supplying and distributing water to any or all of the area municipalities and, subject to subsection 34 (2), to any local, regional or metropolitan municipality outside the Regional Area. R.S.O. 1970, c. 408, s. 46.

PART IV

REGIONAL SEWAGE WORKS

46.—(1) In this Part,

Inter-
pretation

- (a) “capital improvement” means an addition to or an extension, enlargement, alteration, replacement or other improvement of a work of such nature or character that it is usually and properly accounted for as a capital asset;
- (b) “land drainage” means storm, surface, overflow, sub-surface or seepage waters or other drainage from land, but does not include sewage;
- (c) “sewage” means domestic sewage or industrial wastes, or both;
- (d) “sewage works” means an integral system consisting of a sewer or sewer system and treatment works;
- (e) “sewer” means a public sewer for common usage for the purpose of carrying away sewage or land drainage, or both;
- (f) “sewer system” means a system of two or more inter-connected sewers having one or more common discharge outlets and includes pumping plant, force mains, siphons and other like work;
- (g) “treatment works” means buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets and other works designed for the treating of sewage or land drainage, or both, and includes the collecting, dispersing and disposing of sewage or land drainage as incidental thereto and land appropriated for such purposes and uses;
- (h) “work” means a sewer, sewer system, sewage works or treatment works, or a capital improvement of any of them.

Idem

(2) For the purpose of this Part, a sewer, sewer system or sewage works, whether existing or proposed, shall be deemed to be a trunk sewer, trunk sewer system or trunk sewage works, if so declared by by-law of the Regional Council. R.S.O. 1970, c. 408, s. 47.

General powers

47.—(1) For the purpose of collecting or receiving from the area municipalities, or any of them, sewage and land drainage and the treatment or disposal thereof, the Regional Corporation has all the powers conferred by any general Act upon a municipal corporation and by any special Act upon any local municipality or local board thereof within the Regional Area. R.S.O. 1970, c. 408, s. 48 (1).

Approval of O.M.B. to undertaking, etc.

(2) Notwithstanding any general or special Act, the Municipal Board may hear and determine any application by the Regional Corporation for the approval of any undertaking, work, project or scheme relating to the collection and disposal of sewage without having regard to the methods by which the Regional Corporation intends to recover the costs of the undertaking, work, project or scheme for which approval is being sought.

Powers of O.M.B.

(3) Where application is made to the Municipal Board for its approval to the method of recovering the cost of an undertaking, work, project or scheme approved by the Board under subsection (2) and the Board does not approve the application or approves it in part only, the Board may direct the method by which the cost, or the portion of the cost in respect of which the application is not approved, shall be recovered. 1974, c. 117, s. 15.

Sewage works utilities commission prohibited

(4) The Regional Corporation shall not entrust the construction or the control and management of the regional sewage works to a public utilities commission. R.S.O. 1970, c. 408, s. 48 (2).

Construction, etc., of trunk sewage works

48. The Regional Council may pass by-laws for constructing, maintaining, improving, repairing, widening, altering, diverting and stopping up trunk sewers, trunk sewer systems, trunk sewage works, treatment works and watercourses. R.S.O. 1970, c. 408, s. 49.

Assumption of treatment works

49.—(1) The Regional Council shall, before the 31st day of December, 1970, pass by-laws which shall be effective on the 1st day of January, 1971, assuming as regional sewage works all treatment works operated by or on behalf of each area municipality or any local board thereof and all rights and obligations of an area municipality or local board in relation to such works, and on the day any such by-law becomes effective all the real and personal property in relation to the works designated therein vests in the Regional Corporation.

(2) The Regional Council may at any time pass by-laws ^{Other works} for assuming any trunk sewer, trunk sewer system, or watercourse vested in any area municipality or local board thereof, but no such by-law becomes effective before the 1st day of January, 1971.

(3) A by-law under subsection (1) or (2) shall designate and ^{Idem} describe the works assumed.

(4) Notwithstanding subsection (1), a by-law for assuming ^{Extension of time} any specific treatment works may, with the approval of the Municipal Board, be passed after the 31st day of December, 1970, and in that case the by-law becomes effective on the date provided therein.

(5) Where the Regional Corporation assumes a work or ^{Regional liability} watercourse vested in an area municipality or local board,

(a) no compensation or damages shall be payable to the area municipality or local board;

(b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such work or watercourse, but nothing in this clause requires the Regional Corporation to pay that portion of the amounts of principal and interest that under the *Local Improvement Act* is payable as the owners' ^{R.S.O. 1980, c. 250} share of a local improvement work. R.S.O. 1970, c. 408, s. 50 (1-5).

(6) If the Regional Corporation fails to make any payment on or ^{Default} before the due date required by clause (5) (b), the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 36.

(7) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the work or watercourse assumed, the Municipal Board, upon application, may determine the matter and its decision is final. ^{Settling of doubts} R.S.O. 1970, c. 408, s. 50 (7).

50.—(1) Where any local municipality or a local board ^{Existing agreements} thereof within the Regional Area has agreed with any other municipality to receive sewage or land drainage from that other municipality, and the works or watercourses used or required in carrying out such agreement are assumed by the Regional Corporation, the Regional Corporation becomes liable to receive such sewage or land drainage in accordance with the agreement, and the area municipality or local board that

would otherwise be bound by the agreement is relieved of all liability thereunder.

Idem

(2) Where any local municipality or a local board thereof within the Regional Area has agreed with any person other than a municipality to receive sewage or land drainage and the works or watercourses used or required in carrying out such agreement are assumed by the Regional Corporation, the Regional Corporation becomes liable to receive such sewage or land drainage in accordance with the agreement and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder.

Termination

(3) Notwithstanding subsections (1) and (2) and notwithstanding anything in any such agreement, the Municipal Board, upon the application of the Regional Council or of the council of any area municipality or of any person concerned, may by order terminate any such agreement and adjust all rights and liabilities thereunder. R.S.O. 1970, c. 408, s. 51.

Powers of
area municipalities
restricted

51.—(1) Where all the treatment works of an area municipality or any local board thereof are assumed by the Regional Corporation, the area municipality shall not thereafter establish, maintain or operate treatment works without the approval of the Regional Council.

Idem

(2) No area municipality shall establish or enlarge any treatment works after the 31st day of December, 1970, without the approval of the Regional Council. R.S.O. 1970, c. 408, s. 52.

Regulation
of system,
etc.

52.—(1) The Regional Council may pass by-laws for the maintenance and management of its sewers, sewer system, sewage works, treatment works and watercourses and regulating the manner, extent and nature of the reception and disposal of sewage and land drainage from the area municipalities and every other matter or thing related to or connected therewith that it may be necessary and proper to regulate in order to secure to the inhabitants of the Regional Area an adequate system of sewage and land drainage disposal. R.S.O. 1970, c. 408, s. 53.

Control of
sewage

(2) The Regional Council has all the authority and powers in respect of any sewers which mediately or immediately enter into sewers or treatment works under the jurisdiction of the Regional Corporation as have councils of local municipalities under paragraph 147 of section 210 of the *Municipal Act*.

R.S.O. 1980,
c. 302

Conflict

(3) In the event of conflict between a by-law passed under subsection (2) by the Regional Council and a by-law passed by the council of an area municipality under paragraph 147 of section 210 of the *Municipal Act*, the by-law passed by the Regional Council

prevails to the extent of such conflict, but in all other aspects the by-law of the area municipality remains in full effect and force. 1979, c. 81, s. 37.

53.—(1) Where in the opinion of the Regional Council an area municipality or a portion thereof will or may derive a special benefit from the assumption or construction and operation of a work or watercourse, the Regional Council may, with the approval of the Municipal Board, at the time of authorizing the construction, extension or improvement of the work and at any time in respect of the assumption of the work by by-law provide that the area municipality shall be chargeable with and shall pay to the Regional Corporation the whole or such portion of the capital cost thereof as the by-law specifies, and such by-law is binding on the area municipality. R.S.O. 1970, c. 408, s. 54 (1); 1972, c. 78, s. 7.

(2) When an area municipality receives a special benefit by the extension or improvement of a work and the capital cost of the work has already been apportioned by by-law, the Regional Council may with the approval of the Municipal Board repeal or amend any such by-law and reapportion the capital cost of such work among all the area municipalities which receive a special benefit therefrom.

(3) Where any debt is incurred for the cost of the work, the area municipality chargeable under the by-law shall make payments to the Regional Corporation with respect to such debt proportionate to its share of the capital cost as set out in the by-law in the same manner as if the debt for such share had been incurred by the Regional Corporation for the purposes of the area municipality.

(4) The area municipality may pay the amounts chargeable to it under this section out of its general funds or, subject to the approval of the Municipal Board, may pass by-laws under section 218 of the *Municipal Act* for imposing sewer rates to recover the whole or part of the amount chargeable to the area municipality in the same manner as if the work had been constructed, extended or improved by the area municipality notwithstanding that in the by-law authorizing the work there was no provision for imposing, with the approval of the Municipal Board, upon owners or occupants of land who derive or will or may derive a benefit from the work a sewer rate sufficient to pay for the whole or a portion or percentage of the capital cost of the work. R.S.O. 1970, c. 408, s. 54 (2-4).

54.—(1) No municipality or person shall connect any local work, local watercourse, private drain or private sewer to a regional work or watercourse without the approval of the Regional Council. R.S.O. 1970, c. 408, s. 55 (1).

Contracts
for disposal
of sewage,
etc.,
Regional
Corpora-
tion

(2) The Regional Corporation and any local, regional or metropolitan municipality outside the Regional Area may enter into a contract to receive and dispose of sewage and land drainage from the local, regional or metropolitan municipality or from the Regional Area on such terms and conditions as may be agreed upon for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time.

Contracts
for disposal
of land
drainage,
area
municipi-
palities

(3) Subject to the approval of the Regional Council, an area municipality and any local, regional or metropolitan municipality outside the Regional Area may enter into a contract to receive and dispose of land drainage from the local, regional or metropolitan municipality or from the area municipality on such terms and conditions as may be agreed upon for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time. 1978, c. 33, s. 36.

Inspection

(4) Any engineer or other officer of the Regional Corporation has power to inspect the plans and specifications of any work referred to in subsection (1) and to inspect the work during its construction and before it is connected with the regional work or watercourse. R.S.O. 1970, c. 408, s. 55 (3).

Standards
for local
systems

55.—(1) The Regional Council may pass by-laws establishing standards for and regulating and governing the design, construction and maintenance of local works connected or to be connected to a regional work or watercourse, and every area municipality and local board shall conform to such by-laws.

Approval
of local
extensions,
etc.

(2) No area municipality or local board thereof shall enlarge, extend or alter any local work or watercourse that discharges into a regional work or watercourse without the approval of the Regional Council. R.S.O. 1970, c. 408, s. 56.

Appeal

56. If the council of an area municipality considers itself aggrieved by the refusal of the Regional Corporation or the Regional Council,

- (a) to assume as a regional work any local work;
- (b) to construct, extend or improve any regional work;
- (c) to receive any required volume of sewage or land drainage from the area municipality;
- (d) to approve the construction, alteration, improvement or extension of a local work; or
- (e) to permit a connection or the continuance of a connection to any regional work,

the council may appeal to the Municipal Board, which may make such order as it considers advisable in the matter, and the decision of the Municipal Board is final. R.S.O. 1970, c. 408, s. 57.

57.—(1) The Regional Council may pass by-laws providing for the imposing on and collecting from any area municipality, in respect of the whole or any designated part or parts thereof from which sewage and land drainage is received, a sewage service rate or rates sufficient to pay such portion as the by-law may specify of the annual cost of maintenance and operation of any regional work or works.

Special
sewage
service
rates

(2) All such charges constitute a debt of the area municipality to the Regional Corporation and shall be payable at such times and in such amounts as may be specified by by-law of the Regional Council.

Idem

(3) The area municipality may pay the amounts chargeable to it under any such by-law out of its general funds or may pass by-laws under section 218 of the *Municipal Act* for imposing sewage service rates to recover the whole or part of the amount chargeable to the area municipality. R.S.O. 1970, c. 408, s. 58.

Raising of
money by
area muni-
cipality
R.S.O. 1980,
c. 302

58. The Regional Council may contribute towards the cost to any area municipality of the separation of sanitary and storm sewers in an area municipality such amounts as it considers proper, not exceeding 25 per cent of the total cost thereof to the area municipality. R.S.O. 1970, c. 408, s. 59.

Contribution
towards
cost of
separation of
combined
sewers

59. The Regional Corporation has, in respect of all works assumed, all the rights, powers, benefits and advantages conferred either by by-law or contract or otherwise upon the area municipality or area municipalities or their local boards with respect to such works before they were assumed by the Regional Corporation and the Regional Corporation may sue upon such rights or under such by-laws or agreements in the same manner and to the same extent as the area municipality or municipalities or local board or boards might have done if such works had not been assumed. R.S.O. 1970, c. 408, s. 60.

Transfer
of rights
over works
assumed

60. Any person authorized by the Regional Council has free access from time to time, upon reasonable notice given and request made, to all works within an area municipality and to all lands, buildings and premises used in connection therewith and the right, upon the like notice and request, to inspect and copy all plans, records and specifications and other information relating to the construction, extension or maintenance of such local works. R.S.O. 1970, c. 408, s. 61.

Inspection
of local
works

Use of
regional
works

61. Any works assumed by the Regional Corporation under section 49, together with any extensions or additions thereto constructed by the Regional Corporation, may be used by the Regional Corporation for the purpose of receiving and disposing of sewage and land drainage from any or all of the area municipalities and, subject to subsection 54 (2), from any local, regional or metropolitan municipality outside the Regional Area. R.S.O. 1970, c. 408, s. 62.

PART V

REGIONAL ROAD SYSTEM

Interpre-
tation

62. In this Part,

- (a) "approved" means approved by the Minister or of a type approved by the Minister;
- (b) "construction" includes reconstruction;
- (c) "maintenance" includes repair;
- (d) "Minister" means the Minister of Transportation and Communications;
- (e) "Ministry" means the Ministry of Transportation and Communications;
- (f) "road authority" means a body having jurisdiction and control of a highway. R.S.O. 1970, c. 408, s. 63; 1972, c. 1, s. 100 (2).

County
roads to
constitute
regional
road system

63.—(1) On and after the 1st day of January, 1971, all roads under the jurisdiction and control of the County of York on the 31st day of December, 1970, shall constitute the regional road system.

Adding or
removing
roads by
by-law

(2) The Regional Council may by by-law from time to time add roads to or remove roads from the regional road system, including such boundary line roads or portions thereof between the Regional Area and an adjoining municipality, including a metropolitan or other regional municipality, as may be agreed upon between the Regional Council and the council of such municipality. R.S.O. 1970, c. 408, s. 64 (1, 2).

Transfer of
provincial
highway to
Regional
Corporation

(3) The Lieutenant Governor in Council may transfer any highway under the jurisdiction and control of the Ministry within the Regional Area to the Regional Corporation and the highway shall for all purposes be deemed to be part of the regional road system on such date as is designated by the Lieutenant Governor in Council and to have been transferred

under section 29 of the *Public Transportation and Highway Improvement Act*. R.S.O. 1970, c. 408, s. 64 (3); 1971, c. 61, s. 1; 1972, c. 1, s. 1. R.S.O. 1980,
c. 421

(4) While a road or a part thereof forms part of the regional road system, jurisdiction and control and the soil and freehold of such road or part is vested in the Regional Corporation. Vesting of
roads in
regional
road system

(5) The Lieutenant Governor in Council may remove any road from the regional road system. Removal of
roads from
regional
road system

(6) Where a road or part thereof is removed from the regional system, except by reason of it being stopped-up under section 74, such road or part is thereupon transferred to and jurisdiction and control and the soil and freehold thereof is thereupon vested in the area municipality in which it is situate, and the area municipality may sue upon any rights or under any agreements or by-laws in the same manner and to the same extent as the Regional Corporation in respect of such road. R.S.O. 1970, c. 408, s. 64 (4-6). Roads
removed
from system

(7) The Regional Council shall, from time to time, pass a by-law consolidating all by-laws relating to the regional road system. Consolidating
by-law
1980, c. 33, s. 7.

(8) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant Governor in Council, and the Lieutenant Governor in Council may approve the by-law in whole or in part and, where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it shall not be necessary for the Regional Council to pass any further by-law amending the original by-law or repealing any part thereof that has not been approved, and every such by-law as approved is in force and has effect after the day named by the Lieutenant Governor in Council. Approval of
by-laws

(9) The *Regulations Act* does not apply to an order in council made under this section. R.S.O. 1970, c. 408, s. 64 (8, 9). Application of
R.S.O. 1980,
c. 446

64. The Regional Council shall adopt a plan of road construction and maintenance, and from time to time thereafter shall adopt such other plans as may be necessary. R.S.O. 1970, c. 408, s. 65 (1). Plan of
construction
and main-
tenance

65. Where the Regional Corporation proposes the construction, improvement or alteration of a regional road it shall furnish the Minister with such detailed information as he may require. R.S.O. 1970, c. 408, s. 66. Information
to Minister

66. Where a contribution has been made from any source whatsoever towards an expenditure made under the provisions of Contribution
towards
expenditures

R.S.O. 1980,
c. 421

section 89 of the *Public Transportation and Highway Improvement Act*, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister under that Act unless the Minister otherwise directs. R.S.O. 1970, c. 408, s. 67 (1), *revised*.

Expenditure
for con-
struction,
maintenance
or repair

67. The roads forming part of the regional road system shall be maintained and kept in repair by the Regional Corporation, and in all cases the Minister shall determine the amount of the expenditure that is properly chargeable to road improvement, and his decision is final. R.S.O. 1970, c. 408, s. 68.

Powers
over roads
assumed

68. The Regional Corporation has, in respect of the roads included in the regional road system, all the rights, powers, benefits and advantages conferred, and is subject to all liabilities imposed, either by statute, by-law, contract or otherwise upon The Corporation of the County of York or the corporation of the area municipality or the corporations of two or more area municipalities or the corporation of any roads commission which had jurisdiction over the roads before they were assumed by the Regional Corporation, and the Regional Corporation may sue upon such rights or under such agreements or by-laws in the same manner and to the same extent as the County of York or the area municipality or municipalities or roads commission, as the case may be, might have done if the roads had not become part of the regional road system. R.S.O. 1970, c. 408, s. 69.

Sidewalks
excepted

69.—(1) The Regional Corporation is not by reason of a road forming part of the regional road system under this Act liable for the construction or maintenance of sidewalks on any regional road or portion thereof, but the area municipality in which such sidewalks are located continues to be liable for the maintenance of such sidewalks and is responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 284 of the *Municipal Act* in respect of a sidewalk on a road over which a council has jurisdiction. R.S.O. 1970, c. 408, s. 70 (1).

R.S.O. 1980,
c. 302

Area muni-
cipalities
may
construct
sidewalks,
etc.

(2) An area municipality may construct a sidewalk, storm sewer or other improvement or service on a regional road and the Regional Corporation may contribute to the cost of such sidewalk, storm sewer, improvement or service, but no such work shall be undertaken by an area municipality without first obtaining the approval of the Regional Council expressed by resolution. R.S.O. 1970, c. 408, s. 70 (2); 1972, c. 78, s. 8.

(3) The cost of any such sidewalk, storm sewer, improvement or service constructed on a regional road may be met out of the general funds of the area municipality or the work may be undertaken in whole or in part as a local improvement under the *Local Improvement Act*.

How cost provided

R.S.O. 1980, c. 250

(4) An area municipality when constructing such a sidewalk, storm sewer, improvement or service on a regional road shall conform to any requirements or conditions imposed by the Regional Council and is responsible for any injury or damage arising from the construction or presence of the sidewalk, improvement or service on the road. R.S.O. 1970, c. 408, s. 70 (3, 4).

Area municipality to conform to requirements and be responsible for damages

(5) Subsection 106 (4) of the *Public Transportation and Highway Improvement Act* does not apply to a sidewalk constructed on a regional road by the council of a township. R.S.O. 1970, c. 408, s. 70 (5); 1971, c. 61, s. 1.

R.S.O. 1980, c. 421, s. 106 (4), not to apply

70.—(1) The Regional Corporation may construct, install, maintain or remove any works on a highway, other than the King's Highway, including traffic control devices, for the purpose of altering or regulating the flow of traffic upon, entering or leaving a regional road.

Installation of traffic control devices

(2) The Regional Corporation may relocate, alter or divert any public road, other than a road under the jurisdiction and control of the Ministry, entering or touching upon or giving access to a regional road.

Relocation of intersecting roads

(3) Where, in relocating, altering or diverting a public road under subsection (2), the Regional Corporation constructs a new road in lieu of the public road, the Regional Corporation may close the public road at the point of intersection with the regional road and may vest the new road and the soil and freehold and jurisdiction and control thereof in the area municipality in which it is situate.

Idem

(4) Where the Regional Corporation constructs a sidewalk, storm sewer, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality may contribute to the cost of such sidewalk, storm sewer, improvement or service and the work may be undertaken in whole or in part under the *Local Improvement Act*. R.S.O. 1970, c. 408, s. 71; 1972, c. 1, s. 1.

Construction of storm sewer, etc., on area municipality road

71. Where a regional road intersects a road that is under the jurisdiction and control of an area municipality, the continuation of the regional road to its full width across the

Intersection of other roads by regional road

road intersected is a part of the regional road system. R.S.O. 1970, c. 408, s. 72.

Dedication
of lands
abutting
regional
roads for
widening
purposes

72. When land abutting on a regional road is dedicated for highway purposes for, or apparently for, the widening of the regional road, the land so dedicated is part of the regional road and the jurisdiction and control and the soil and freehold thereof is vested in the Regional Corporation subject to any rights in the soil reserved by the person who dedicated the land. R.S.O. 1970, c. 408, s. 73.

New roads

73. The Regional Council may pass by-laws for establishing and laying out new roads and for adding such new roads to the regional road system and the provisions of the *Municipal Act* with respect to the establishment and laying out of highways by municipalities apply with necessary modifications. R.S.O. 1970, c. 408, s. 74.

Powers and
liabilities
of Regional
Corporation

R.S.O. 1980,
cc. 302, 198

74. With respect to the regional roads and the regulation of traffic thereon, the Regional Corporation has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation of a city under the *Municipal Act*, the *Highway Traffic Act* and any other Act with respect to highways. R.S.O. 1970, c. 408, s. 75.

Erection of
gasoline
pump and
advertising
device near
regional road

75.—(1) The Regional Council may, with respect to a regional road, by by-law prohibit or regulate the placing or erecting of,

- (a) any gasoline pump within forty-five metres of any limit of a regional road; and
- (b) any sign, notice or advertising device within 400 metres of any limit of a regional road. R.S.O. 1970, c. 408, s. 76 (1); 1978, c. 87, s. 56 (1).

Permits

(2) A by-law passed under this section may provide for the issuing of permits for the placing or erecting of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor. R.S.O. 1970, c. 408, s. 76 (2).

By-laws of
area muni-
cipalities
regulating
traffic

76.—(1) No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force unless it has been approved by the Regional Council. R.S.O. 1970, c. 408, s. 77 (1); 1976, c. 43, s. 30 (1).

Regional
Council may
approve
by-law in
whole or
in part

(2) A by-law submitted for approval of the Regional Council in compliance with subsection (1) may be approved

in whole or in part and, where part of a by-law is approved only, that part only shall become operative.

(3) The Regional Council may withdraw its approval to any by-law or any part thereof by notice sent by registered mail to the clerk of the area municipality and such by-law or part thereof shall be deemed to be repealed twenty-one days after the sending of the notice. 1976, c. 43, s. 30 (2). Withdrawal
of
approval

(4) All signal-light traffic control devices heretofore or hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the Regional Council, and the Regional Council may delegate any of its powers in respect of the operation of such devices to an officer of the Regional Corporation designated in the by-law. Signal-light
devices

(5) The Regional Corporation may contribute towards the cost of the erection of signal-light traffic control devices erected by an area municipality. R.S.O. 1970, c. 408, s. 77 (2,3). Contribu-
tion towards
cost of
signal-lights

(6) Subject to the *Highway Traffic Act*, the Regional Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of thirty metres on either side of the limit of a regional road and, where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict. R.S.O. 1970, c. 408, s. 77 (4); 1978, c. 87, s. 56 (2). Traffic
control
within
thirty metres
of regional
roads
R.S.O. 1980,
c. 198

77. The Regional Council may by by-law authorize agreements between the Regional Corporation and the owners or lessees of land abutting on a regional road for the construction, maintenance and use of walks for pedestrians over, across or under the road upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof, and for leasing or licensing the use of untravelled portions of such regional road within those portions of an area municipality in which land may be used for commercial or industrial purposes, for such considerations and upon such terms and conditions as may be agreed. R.S.O. 1970, c. 408, s. 78. Agreements
for
pedestrian
walks

78.—(1) Sections 292 and 294 of the *Municipal Act* do not apply to a bridge or highway crossing or forming a boundary between the Regional Area and an adjoining municipality, including a metropolitan or other regional municipality, where such bridge or highway is included in the regional road system and in the road system of such municipality. Disputes as
to main-
tenance,
etc., of
bridges and
highways
R.S.O. 1980,
c. 302

Idem

(2) When there is a difference between the Regional Council and the council of a municipality, including a metropolitan or other regional municipality, in respect of any such bridge or highway as to the corporation upon which the obligation rests for the constructing or maintaining of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the Regional Council and the council of such municipality are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the Regional Corporation or the corporation of such municipality.

Hearing by
O.M.B.

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality, including a metropolitan or other regional municipality, and, in the case of the Regional Corporation, the officer appointed under section 17, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities in regard to such bridge or highway, and the Municipal Board may make such order in regard to the same as it may consider just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute towards the building and maintaining of such bridge or highway.

Term of
order

(4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive. R.S.O. 1970, c. 408, s. 79.

Boundary
bridges
between area
municipalities
R.S.O. 1980,
c. 302

79. Clause 261 (1) (b) of the *Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities, and the councils of the area municipalities on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system. R.S.O. 1970, c. 408, s. 80.

Boundary
bridges
between
Regional
Area and
adjoining
municipality

80. Section 276 of the *Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the Regional Area and an adjoining municipality, and the councils of the area municipality and such adjoining municipality on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the regional road system. R.S.O. 1970, c. 408, s. 81.

81.—(1) The Regional Council has, with respect to all land lying within a distance of 45 metres from any limit of a regional road, all the powers conferred on the council of a local municipality by section 39 of the *Planning Act*. R.S.O. 1970, c. 408, s. 82 (1); 1979, c. 81, s. 38. Restrictions
R.S.O. 1980,
c. 379

(2) In the event of conflict between a by-law passed under subsection (1) by the Regional Council and a by-law passed under section 39 of the *Planning Act* or a predecessor of such section by the council of a local municipality that is in force in the area municipality in which the land is situate, the by-law passed by the Regional Council prevails to the extent of such conflict. R.S.O. 1970, c. 408, s. 82 (2). Conflict
with local
by-law

82.—(1) The Regional Council may by by-law designate any road in the regional road system, or any portion thereof, as a controlled-access road. Controlled-
access roads

(2) Subject to the approval of the Municipal Board, the Regional Council may by by-law close any municipal road that intersects or runs into a regional controlled-access road. Closing
municipal
roads

(3) The Municipal Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such time, in such manner and to such persons as the Municipal Board may determine, and may further direct that particulars of objections to the closing shall be filed with the Municipal Board and the Regional Corporation within such time as the Municipal Board shall direct. Notice of
application
for approval
for closing
road

(4) Upon the hearing of the application for approval of the closing of a road, the Municipal Board may make such order as it considers proper refusing its approval or granting its approval upon such terms and conditions as it considers proper, and any order of the Municipal Board approving of the closing of a road may contain provisions, Order of
O.M.B.

- (a) determining the portion or portions of the road that shall be closed;
- (b) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and
- (c) providing for the doing of such other acts as in the circumstances it considers proper.

(5) Upon the approval of the Municipal Board being so obtained but subject to the provisions of the order of the Closing
road

Municipal Board made on the application for such approval, the Regional Corporation may do all such acts as may be necessary to close the road in respect of which the application is made.

Idem

(6) Where, at any time after making application for the approval of the Municipal Board of the closing of a road, the Regional Corporation discontinues its application or, having obtained such approval, does not proceed with the closing of the road, the Municipal Board may, upon the application of any person whose land would be injuriously affected by the closing of the road and who has appeared upon such application for approval, make such order as to costs against the Regional Corporation as it considers proper and may fix the amount of such costs.

Appeal

(7) Any person who claims to be injuriously affected by the closing of a road may, by leave of the Divisional Court, appeal to that court from any order of the Municipal Board approving the closing of such road, and the Regional Corporation may, upon like leave, appeal from any order of the Municipal Board made on an application under this section.

Leave to appeal

(8) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may consider just.

Practice and procedure on appeal

(9) The practice and procedure as to the appeal and matters incidental thereto shall be in accordance with the rules of court, and the decision of the Divisional Court is final.

R.S.O. 1980, c. 347, s. 95, not to apply

(10) Section 95 of the *Ontario Municipal Board Act* does not apply to an appeal under this section. R.S.O. 1970, c. 408, s. 83.

Private roads, etc., opening upon regional controlled-access road

83.—(1) The Regional Council may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a regional controlled-access road.

Notice

(2) The Regional Corporation may give notice to the owner of any land requiring him to close up any private road, entranceway, structure or facility constructed or used as a means of access to a regional controlled-access road in contravention of a by-law passed under subsection (1).

Service of notice

(3) Every notice given under subsection (2) shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail shall be deemed to have been received on the fifth day following the mailing thereof.

(4) Where the person to whom notice is given under subsection (2) fails to comply with the notice within thirty days ^{Failure to comply with notice} after its receipt, the Regional Council may by resolution direct any officer, employee or agent of the Regional Corporation to enter upon the land of such person and do or cause to be done whatever may be necessary to close up the private road, entranceway, structure or facility as required by the notice.

(5) Every person who fails to comply with a notice ^{Offence} given under subsection (2) is guilty of an offence and on conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence.

(6) Where a notice given under subsection (2) has been ^{Compensation} complied with, no compensation is payable to the owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a controlled-access road designated under subsection 82 (1) was constructed or used, as the case may be,

- (a) before the day on which the by-law designating the road as a controlled-access road became effective; or
- (b) in compliance with a by-law passed under subsection (1), in which case the making of compensation is subject to any provisions of such by-law. R.S.O. 1970, c. 408, s. 84.

84.—(1) Where the Regional Corporation adds to the ^{Regional liability when road added} regional road system any road in an area municipality, no compensation or damages shall be payable to the area municipality in which it was vested.

(2) Where a road has been added to the regional road ^{Idem} system by a by-law passed under subsection 63 (2), the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this subsection requires the Regional Corporation to pay that portion of the amounts of principal and interest that under the *Local Improvement Act* is payable as the owners' share of a local improvement work. R.S.O. 1980, c. 250, R.S.O. 1970, c. 408, s. 85 (1, 2).

(3) If the Regional Corporation fails to make any payment on or ^{Default} before the due date required by subsection (2), the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area

municipality determines, from such date until payment is made. 1979, c. 81, s. 39.

Settling of doubts

(4) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the road added to the regional road system, the Municipal Board, upon application, may determine the matter and its decision is final. R.S.O. 1970, c. 408, s. 85 (4).

Stopping up highways

85.—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall so notify by registered mail the officer appointed under section 17.

Agreement

(2) If the Regional Council objects to such stopping up, it shall so notify the council of the area municipality by registered mail within sixty days of the receipt of the notice under subsection (1) and the highway or part thereof concerned shall not be stopped up except by agreement between the area municipality and the Regional Council and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final. R.S.O. 1970, c. 408, s. 86.

Approval required to intersect regional road

(3) No area municipality shall open up, establish or assume for public use any highway which intersects with or enters upon any highway in the regional road system, without the prior written approval of the Regional Corporation. 1973, c. 156, s. 3.

Application of R.S.O. 1980, c. 421

86. Sections 101, 103, 105, 108 and 111 of the *Public Transportation and Highway Improvement Act* apply with necessary modifications with respect to any regional road. R.S.O. 1970, c. 408, s. 88; 1971, c. 61, s. 1.

PART VI

MUNICIPAL HYDRO-ELECTRIC SERVICE

Interpretation

87. In this Part,

(a) “accumulated net retail equity” means the portion of equity accumulated through debt retirement appropriations recorded for the Rural Power District relating to Ontario Hydro’s rural retail system plus the portion of the balance recorded for customers in the Stabilization of Rates and Contingencies Account, in the books of Ontario Hydro;

(b) “hydro-electric commission” means a hydro-electric commission or public utilities commission entrusted

with the control and management of works for the retail distribution and supply of power in the Regional Area immediately before the 20th day of June, 1978 and established or deemed to be established under Part III of the *Public Utilities Act*;

R.S.O. 1980,
c. 423

(c) "power" means electrical power and includes electrical energy;

(d) "regulations" means the regulations made under this Part;

(e) "retail", when used in relation to the distribution and supply of power, refers to the distribution and supply of power at voltages less than 50 kilovolts but does not refer to works located within a transformer station that transform power from voltages greater than 50 kilovolts to voltages less than 50 kilovolts. 1978, c. 31, s. 1, *revised*.

88.—(1) The hydro-electric commission for each of the Town of Aurora, the Town of Markham, the Town of Newmarket, the Town of Richmond Hill, the Town of Vaughan, the Town of Whitchurch-Stouffville, the Township of Georgina and the Township of King established by *The York Municipal Hydro-Electric Service Act, 1978*, is continued and each commission shall be deemed to be a commission established under Part III of the *Public Utilities Act* and a municipal commission within the meaning of the *Power Corporation Act*.

Commissions
continued

R.S.O. 1980,
cc. 423, 384

(2) The commission for the Town of Aurora shall be known as the Aurora Hydro-Electric Commission and shall consist of the mayor of the Town of Aurora and two additional members who are qualified electors under the *Municipal Elections Act* in the Town of Aurora.

Composition,
Aurora
Hydro-Electric
Commission
R.S.O. 1980,
c. 308

(3) The commission for the Town of Markham shall be known as the Markham Hydro-Electric Commission and shall consist of the mayor of the Town of Markham and four additional members who are qualified electors under the *Municipal Elections Act* in the Town of Markham.

Composition,
Markham
Hydro-Electric
Commission

(4) The commission for the Town of Newmarket shall be known as the Newmarket Hydro-Electric Commission and shall consist of the mayor of the Town of Newmarket and four additional members who are qualified electors under the *Municipal Elections Act* in the Town of Newmarket.

Composition,
Newmarket
Hydro-Electric
Commission

(5) The commission for the Town of Richmond Hill shall be known as the Richmond Hill Hydro-Electric Commission and

Composition,
Richmond
Hill Hydro-Electric
Commission

R.S.O. 1980,
c. 308

shall consist of the mayor of the Town of Richmond Hill and four additional members who are qualified electors under the *Municipal Elections Act* in the Town of Richmond Hill.

Composi-
tion,
Vaughan
Hydro-
Electric
Commission

(6) The commission for the Town of Vaughan shall be known as the Vaughan Hydro-Electric Commission and shall consist of the mayor of the Town of Vaughan and four additional members who are qualified electors under the *Municipal Elections Act* in the Town of Vaughan.

Composi-
tion,
Whitchurch-
Stouffville
Hydro-
Electric
Commission

(7) The commission for the Town of Whitchurch-Stouffville shall be known as the Whitchurch-Stouffville Hydro-Electric Commission and shall consist of the mayor of the Town of Whitchurch-Stouffville and two additional members who are qualified electors under the *Municipal Elections Act* in the Town of Whitchurch-Stouffville.

Composi-
tion,
Georgina
Hydro-
Electric
Commission

(8) The commission for the Township of Georgina shall be known as the Georgina Hydro-Electric Commission and shall consist of the mayor of the Township of Georgina and two additional members who are qualified electors under the *Municipal Elections Act* in the Township of Georgina.

Composi-
tion, King
Hydro-
Electric
Commission

(9) The commission for the Township of King shall be known as the King Hydro-Electric Commission and shall consist of the mayor of the Township of King and two additional members who are qualified electors under the *Municipal Elections Act* in the Township of King. 1978, c. 31, s. 2 (1-9).

Additional
members of
com-
missions

(10) The additional members of each commission shall be elected by a general vote of the electors of the area municipality served by the commission, unless before the 1st day of July, 1980 the council of the area municipality provides by by-law that the additional members shall be appointed by the council. 1978, c. 31, s. 2 (15).

Eligibility
of members
of council

(11) Members of the council of the area municipality served by a commission may be members of the commission, but the members of the council shall not form a majority of the commission. 1979, c. 12, s. 1.

Terms of
office

(12) A member of a commission shall hold office for the same term as the members of council or until his successor is elected or appointed.

Delegates

(13) The council of an area municipality served by a commission may, by by-law passed with the written consent of the mayor, appoint a delegate from among the members of the council to represent the mayor on the commission. 1978, c. 31, s. 2 (16-18).

(14) A resignation from the council of a member of a council who is a member of a commission shall be deemed to be a resignation from both the commission and the council.

Resig-
nation

(15) After the 1st day of January, 1980, the council of the area municipality may, by by-law, determine whether a commission shall consist of three or five members. 1978, c. 31, s. 2 (20, 21).

When area
municipi-
pality to
determine
size of
commission

89.—(1) Notwithstanding subsection 90 (3), the council of an area municipality that is not served by a commission with the consent of Ontario Hydro, may establish by by-law a hydro-electric commission for the area municipality.

Establish-
ment of
commission
by by-law

(2) The commission established under subsection (1) shall be deemed to be a commission established under Part III of the *Public Utilities Act* and a municipal commission within the meaning of the *Power Corporation Act*.

Nature of
commission
R.S.O. 1980,
cc. 423, 384

(3) The commission established under subsection (1) shall be known as the “Hydro-Electric Commission of” and shall consist of the mayor of the area municipality and two additional members who shall be qualified electors under the *Municipal Elections Act* in the area municipality.

Composi-
tion

R.S.O. 1980,
c. 308

(4) The term of office of the members of the commission established under subsection (1) shall be the same as the term of office of the council of the area municipality.

Term of
office

(5) The first additional members of the commission shall be appointed by the council of the area municipality.

First
additional
members

(6) For terms after the first term, the additional members of the commission shall be elected by a general vote of the electors of the area municipality unless, before the completion of the first term of office of the members of the commission, the council of the area municipality provides by by-law that the additional members shall be appointed by the council.

Subsequent
additional
members

(7) Upon the establishment of the commission under subsection (1),

Applica-
tion of other
sections
of Act

(a) subsections 88 (11), (12), (13), (14) and (15) shall apply, with necessary modifications, to the commission;

(b) subsections 90 (1), (2), (4), (5), (6), (9), (10) and (11) shall apply, with necessary modifications, to the commission, and, for the purpose,

(i) the date mentioned in subsections 90 (1), (2) and (6),

(ii) the date mentioned in subsection 90 (9), and

(iii) the date mentioned in subsection 90 (11),

shall be deemed to be such dates as shall be specified in the by-law mentioned in subsection (1) of this section;

(c) sections 91, 92, 93 and 95 shall apply, with necessary modifications, to the commission; and

(d) the commission, for the purposes of clauses (a), (b) and (c), shall be deemed to be a commission continued under section 88. 1978, c. 31, s. 3.

Powers
of com-
missions

R.S.O. 1980,
c. 423

90.—(1) Except as herein provided, all the powers, rights, authorities and privileges that are conferred by the *Public Utilities Act* on a municipal corporation with respect to power, shall, on and after the 1st day of January, 1979, be exercised on behalf of each of the municipalities of the Town of Aurora, the Town of Markham, the Town of Newmarket, the Town of Richmond Hill, the Town of Vaughan, the Town of Whitchurch-Stouffville, the Township of Georgina and the Township of King by the commission established in respect of the municipality and not by the council of any municipality or any other hydro-electric commission.

Idem

R.S.O. 1980,
cc. 332, 302

(2) Subject to subsections (3) and (5) and to any subsisting contracts for the supply of power to customers within the meaning of subsection 37 (1) of the *Ontario Energy Board Act*, on and after the 1st day of January, 1979, each commission has the sole right to distribute and supply power within the area municipality in respect of which it is established, and may contract with Ontario Hydro for the transmission and supply to the commission of power to be distributed and sold within the municipality without electoral assent or other approval or authorization and such a contract shall be deemed to be an agreement within the meaning of clause 149 (2) (s) of the *Municipal Act*.

Where
Ontario
Hydro to
continue to
distribute
and supply
power

(3) Notwithstanding subsection (2), but subject to subsections (12) and (13), Ontario Hydro shall continue to distribute and supply power in those areas of the Town of Whitchurch-Stouffville, the Town of East Gwillimbury, the Township of Georgina and the Township of King that it served immediately before the coming into force of this Act, and subsections (5), (10) and (11) do not apply.

Applica-
tion of

R.S.O. 1980,
c. 384

(4) Except where inconsistent with the provisions of this Act, the provisions of the *Power Corporation Act* applicable to a municipal corporation that has entered into a contract with

Ontario Hydro for the distribution and supply of power to the municipal corporation apply to each of the commissions.

(5) With the consent of a commission, Ontario Hydro may dis-^{Direct}tribute and supply power directly to customers within the municip-^{customers}ality in respect of which the commission is established.

(6) On the 1st day of January, 1979, all assets under^{Transfer of} the control and management of and all liabilities of hydro-^{assets and}electric commissions distributing and selling power in the^{liabilities} area municipalities, to the extent that they pertain to the distribution and supply of power in each area municipality, are, without compensation, assets under the control and management of and liabilities of the commission established in respect of the municipality.

(7) Notwithstanding subsection (6), the Richmond Hill^{Compensa-}Hydro-Electric Commission shall pay compensation to the^{tion by}Vaughan Hydro-Electric Commission for the assets pertaining to^{Richmond}the retail distribution and supply of power in that portion of the^{Hill Hydro-}Town of Richmond Hill supplied with power by the Hydro-Elec-^{Electric}tric Commission of the Township of Vaughan immediately before^{Com-}the 20th day of June, 1978 and the amount of the compensation^{mission} shall be equal to the original cost of the assets less the sum of,

- (a) the accumulated depreciation associated with the assets;
- (b) the equity in the Hydro-Electric Commission of the Township of Vaughan of the customers supplied with power through the assets; and
- (c) any liabilities associated with the assets that are assumed by the Richmond Hill Hydro-Electric Commission.

(8) The equity referred to in clause (7) (b) shall be calculated so^{Idem,} that the equity in the Hydro-Electric Commission of the^{calculation}Township of Vaughan of a customer in the Town of Vaughan is^{of equity} not altered by the transfer of the assets referred to in subsection (7).

(9) Such management and control of works for the^{Transi-}distribution and supply of power within the municipalities^{tional} of the Town of Aurora, the Town of Markham, the Town of Newmarket, the Town of Richmond Hill, the Town of Vaughan, the Town of Whitchurch-Stouffville, the Township of Georgina and the Township of King as are exercised by hydro-electric commissions and Ontario Hydro immediately before the 20th day of June, 1978 remain entrusted to them to and including the 31st day of December, 1978, but any of the assets,

powers and responsibilities of such commissions and Ontario Hydro pertaining to the distribution and supply of power in any of the municipalities may by agreement be transferred before that date to a commission established in respect of the municipality.

Purchase of
retail
distribu-
tion
facilities

(10) Subject to subsections (3) and (5) and the regulations, and except as otherwise agreed between Ontario Hydro and the commission, each commission shall acquire, on behalf of the area municipality served by the commission, the assets and liabilities of Ontario Hydro pertaining to the retail distribution and supply of power within the municipality, including equipment leased by Ontario Hydro to retail customers within the municipality for the use of such power, and the commission shall pay to Ontario Hydro an amount equal to the original cost of the assets less the sum of,

- (a) the accumulated net retail equity of the customers supplied with power through the assets; and
- (b) the accumulated depreciation associated with the assets.

Where
amount
to be deter-
mined by
arbitration

(11) If the amount payable under subsection (7) or (10) has not been determined before the 1st day of July, 1979, the amount shall be determined in accordance with subsections (7) and (8) or subsection (10), as the case requires, and in accordance with the regulations, by a board of arbitration, and,

- (a) on or before the 1st day of August, 1979, each party to the arbitration shall appoint a person as a member of the board of arbitration and shall give notice to the other party of the name and address of the person;
- (b) the two members of the board of arbitration, within ten days after the giving of the notice of appointment, shall appoint a third person to be chairman of the board of arbitration and the chairman shall give notice of his appointment to the parties;
- (c) if a party fails to appoint a member to a board of arbitration pursuant to clause (a) or if the members do not appoint a chairman pursuant to clause (b), or in the event of the absence or inability to act or of a vacancy in the office of a member or the chairman of a board of arbitration, either party may apply on notice to the other party to the Divisional Court and the Court may appoint the member or chairman;

(d) except as otherwise provided in this subsection, the *Arbitrations Act* applies to this subsection; and

R.S.O. 1980,
c. 25

(e) in this subsection, "parties" means,

(i) in the case of subsection (7), the Richmond Hill Hydro-Electric Commission and the Vaughan Hydro-Electric Commission, and

(ii) in the case of subsection (10), Ontario Hydro and, in each case, the commission continued under section 88.

(12) The council of the Town of Whitchurch-Stouffville, the Township of Georgina or the Township of King, with the consent of Ontario Hydro and without the assent of the municipal electors, by by-law,

Supply of
power in all
areas of
municipalities of
Whitchurch-
Stouffville,
Georgina,
King

(a) may direct the commission established in respect of the municipality to commence on a day specified by the by-law the distribution and supply of power in all areas of the municipality and on the specified day subsections (10) and (11) and section 93 shall apply with necessary modifications; or

(b) may dissolve the commission established in respect of the municipality on a day specified by the by-law and on the specified day,

(i) all assets under the control and management of and all liabilities of the commission, and all debentures issued in respect of the distribution and supply of power in the municipality are, without compensation, assets and liabilities of Ontario Hydro, and

(ii) Ontario Hydro shall commence to distribute and supply power in all areas of the municipality.

(13) Until such time as the power conferred by subsection (12) has been exercised,

Review of
distribution
and
supply of
power

(a) the councils of the Town of Whitchurch-Stouffville, the Township of Georgina and the Township of King shall review the distribution and supply of power within their respective municipalities at least once in every three years and shall determine by resolution whether or not it is financially feasible to exercise the power conferred by subsection (12); and

- (b) where the council of the Town of Whitchurch-Stouffville, the Township of Georgina or the Township of King determines as provided in clause (a) that it is financially feasible for the commission established in respect of the municipality to distribute and supply power in the entire municipality, the council, subject to the approval of Ontario Hydro, shall exercise the power conferred by subsection (12).

Interpre-
tation:
original
cost, equity

- (14) For the purpose of the calculations mentioned in subsections (7), (8) and (10), "original cost" and "equity" do not include capital contributions by customers or developers. 1978, c. 31, s. 4.

Vesting
of real
property

- 91.—**(1) All real property transferred pursuant to section 90 to the control and management of a commission or otherwise acquired by or for the commission, shall be held by the commission in trust for the area municipality served by the commission.

Disposition
of real
property

- (2) Where a commission is of the opinion, and so declares by resolution, that any real property under its control and management is not required for its purposes, unless otherwise agreed upon by the commission and the area municipality served by the commission, the real property may be disposed of as follows:

1. In the event that the area municipality served by the commission wishes in good faith to use the real property for a municipal purpose, it shall compensate the commission for the real property at its actual cost, less accrued depreciation as shown on the books of the commission or the assessed value of the real property, whichever is the greater, and when the area municipality in good faith no longer wishes to use the real property for a municipal purpose, the area municipality may sell, lease or otherwise dispose of the real property without the assent of Ontario Hydro and may retain the proceeds of the sale, lease or disposition as municipal funds.
2. In the event that the municipality served by the commission does not wish to use the real property in accordance with paragraph 1, the commission shall, as soon as practicable, sell, lease or otherwise dispose of the real property at fair market value on behalf of the municipality and the net proceeds derived from the sale, lease or other disposition of the real property or the compensation paid therefor pursuant to this subsection shall be received by the

commission and shall be applied in accordance with the *Public Utilities Act*. 1978, c. 31, s. 5.

R.S.O. 1980,
c. 423

92. Except as otherwise provided in this Part, sections 130 to 152 apply, with necessary modifications, to any borrowing for the purposes of a commission. 1978, c. 31, s. 6. Borrowing

93.—(1) In this section, “transfer date”, when used in respect of an employee of a hydro-electric commission or Ontario Hydro, means the date on which a commission assumes liability for the payment of the wages or salary of the employee. Interpre-
tation

(2) On or before the 31st day of December, 1978, each hydro-electric commission shall designate those of its full-time employees who were employed in the distribution and supply of power in an area municipality on the 1st day of January, 1978, and who continued such employment until the 31st day of December, 1978 or until their transfer dates, as the case may be, and each commission shall offer employment to the employees designated in respect of the area municipality served by the commission. Transfer of
employees

(3) On or before the 31st day of December, 1978, Ontario Hydro shall designate those of its full-time employees who were employed in the distribution and supply of power in the municipalities of the Town of Aurora, the Town of Markham, the Town of Newmarket, the Town of Richmond Hill and the Town of Vaughan on the 1st day of January, 1978 and who continued such employment until the 31st day of December, 1978 or until their transfer dates, as the case may be, and each commission shall offer employment to the employees designated in respect of the area municipality served by the commission. Idem,
Ontario
Hydro

(4) A person who accepts employment under this section is entitled to receive, for a period of one year commencing on the transfer date, a wage or salary not less than the wage or salary he was receiving on the day nine months before the transfer date. Wages or
salaries

(5) Each commission shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the 20th day of June, 1978, and a person who accepts employment under this section shall be deemed to continue or to become a member of the System, as the case requires, on his transfer date, and the *Ontario Municipal Employees Retirement System Act* applies to such person as a member of the System. Partici-
pation in
O.M.E.R.S.

R.S.O. 1980,
c. 348

(6) When a person who accepts employment under this section with a commission is entitled to the benefit of a supplementary Supple-
mentary
agreements

agreement between a hydro-electric commission and the Ontario Municipal Employees Retirement Board immediately before his transfer date, the commission shall assume, in respect of the person, all rights and obligations under the supplementary agreement as if the commission had been a party to the agreement in the place of the hydro-electric commission.

Transfer of
pension
credits from
Ontario
Hydro plan

(7) Where a person who accepts employment under this section is a contributor to The Pension and Insurance Fund of Ontario Hydro immediately before his transfer date, the present value of the pension earned by the person in The Pension and Insurance Fund of Ontario Hydro at the transfer date or the contributions of the person in the Fund with interest accumulated and credited to the person in the Fund, whichever is the greater, shall be transferred to the Ontario Municipal Employees Retirement Fund and the person shall be given credit in the Ontario Municipal Employees Retirement System for a period of service equal to the period of service for which he was given credit in The Ontario Hydro Pension and Insurance Plan.

Pension
guarantee

(8) Notwithstanding subsection (5), a person who accepts employment under this section with a commission and who,

- (a) was employed by Ontario Hydro immediately before his transfer date; and
- (b) continues in the employment of the commission until he or his beneficiary becomes entitled to a pension benefit,

is entitled to at least the pension benefit he would have been entitled to under The Ontario Hydro Pension and Insurance Plan if his years of continuous service with the commission had been additional years of continuous service with Ontario Hydro and if there had been no change in the Plan after the 31st day of December, 1978, calculated on the basis of the wage or salary paid to the person by Ontario Hydro and the commission, and the cost, if any, of the pension benefit over the cost of the pension benefit to which the person is entitled under subsection (5) shall be apportioned and paid as provided by the regulations.

Group life
insurance

(9) A person who accepts employment under this section is entitled as a term of his employment to continue as a member of the group life insurance plan in which he was a member with his former employer until the effective date of a common group life insurance plan covering all eligible employees of his new employer.

(10) On or before the 31st day of December, 1980, each com-^{Idem}mission shall provide a common group life insurance plan covering all of the eligible employees of the commission, and the plan shall provide to any person accepting employment under this section, by option or otherwise, insurance coverage not inferior to the insurance coverage to which the employee was entitled immediately before his transfer date.

(11) A person who accepts employment under this section^{Sick leave} shall continue to enjoy as a term of his employment, the rights and benefits of sick leave entitlements or sick leave insurance provided by his former employer immediately before the transfer date until the new employer establishes a sick leave entitlement plan or sick leave insurance plan, and thereupon the employee shall receive allowance or credit for any accrued sick leave rights or benefits.

(12) The commissions shall continue the provision of life insur-^{Life insurance provided to pensioners}ance to pensioners formerly employed in the distribution and supply of power in the area municipalities by public utilities commissions and municipal hydro-electric commissions.

(13) Nothing in this section prevents an employer from^{Termination for cause} terminating the employment of an employee for cause.

(14) Where, under this section, an employee, in the^{Special circumstances} opinion of the Minister, experiences any difficulty or hardship with regard to life insurance benefits, pension rights, pension benefits or sick leave rights or benefits, the Minister by order may do anything necessary to remedy or alleviate such difficulty or hardship. 1978, c. 31, s. 7.

94. For the purposes of section 169 of *The Regional Municipality of York Act*, being chapter 408 of the Revised Statutes of Ontario, 1970, the 1st day of January, 1979 is the date determined^{Dissolution of existing commissions} by the Minister in respect of the Regional Area and on that date the hydro-electric commissions that distribute and supply only power are dissolved and the by-laws establishing them passed pursuant to sections 37 and 39 of the *Public Utilities Act* shall be deemed to be repealed and the assent of the municipal electors is not required. 1978, c. 31, s. 8.

95. The Lieutenant Governor in Council may make regula-^{Regulations}tions,

(a) for the purpose of subsection 90 (10), in respect of,

(i) the method of determining the original cost of the assets or of any asset or of any part of an asset,

- (ii) the allocation of the original cost of the assets or of any asset or of any part of any asset,
 - (iii) the method of determining the amount of any component of the accumulated net retail equity,
 - (iv) the allocation of the accumulated net retail equity or any component of the accumulated net retail equity,
 - (v) the method of calculating accumulated depreciation or any component of accumulated depreciation,
 - (vi) the allocation of accumulated depreciation or any component of accumulated depreciation,
 - (vii) the method of payment of the price of the assets;
- (b) for the purposes of subsection 93 (8), in respect of the apportionment of the excess cost of any benefit referred to in the subsection and the payment of the excess cost or any part thereof. 1978, c. 31, s. 9.

PART VII

PLANNING

Planning area

R.S.O. 1980,
c. 379

96.—(1) The Regional Area is continued as a joint planning area under the *Planning Act* known as the York Planning Area. R.S.O. 1970, c. 408, s. 89 (1).

Designated municipality

(2) The Regional Corporation is the designated municipality within the meaning of the *Planning Act* for the purposes of the York Planning Area and each area municipality is the designated municipality within the meaning of the *Planning Act* for the purposes of the subsidiary planning area it constitutes. 1978, c. 33, s. 37.

Planning areas dissolved

(3) All planning areas and subsidiary planning areas that are included in the York Planning Area together with the boards thereof are dissolved on the 31st day of December, 1970.

Area municipalities subsidiary planning areas

(4) Each area municipality is continued as a subsidiary planning area and each council thereof shall have all the powers and duties of a planning board, but sections 3, 4, 6, 8, 9 and 10 of the *Planning Act* do not apply to such council.

(5) Nothing in subsections (3) and (4) affects any official plan in effect in any part of the Regional Area. Proviso

(6) When the Minister of Housing has approved an official plan adopted by the Regional Council, Effect of official plan

(a) every official plan and every by-law passed under section 39 of the *Planning Act* or a predecessor thereof then in effect in the planning area affected thereby shall be amended forthwith to conform therewith; and R.S.O. 1980, c. 379

(b) no official plan of a subsidiary planning area shall be approved that does not conform therewith. R.S.O. 1970, c. 408, s. 89 (3-6).

97.—(1) The Regional Council shall investigate and survey the physical, social and economic conditions in relation to the development of the York Planning Area and may perform such other duties of a planning nature as may be referred to it by any council having jurisdiction in the York Planning Area, and without limiting the generality of the foregoing it shall, Planning duties of Regional Council

(a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the York Planning Area;

(b) hold public meetings and publish information for the purpose of obtaining the participation and co-operation of the inhabitants of the York Planning Area in determining the solution of problems or matters affecting the development of the York Planning Area; and

(c) consult with any local board having jurisdiction within the York Planning Area.

(2) The Regional Council, before the 31st day of December, 1974, shall prepare, adopt and forward to the Minister of Housing for approval an official plan for the Regional Area. Official plan

(3) The Regional Council and the council of each area municipality may appoint such planning staff as it considers necessary. Appointment of planning staff

(4) The Regional Council and the council of each area municipality may appoint such planning committees as it considers necessary. R.S.O. 1970, c. 408, s. 90 (1-4). Appointment of committees

Regional
Corpora-
tion deemed
municipality under
R.S.O. 1980,
c. 379

(5) Subject to this Part, the Regional Corporation shall be deemed to be a municipality and the Regional Council a planning board for the purposes of section 1, subsections 2 (4), (6) and (7), sections 5, 13, 14, 15, 16, 17, 19, 20, 21, 25, 26, 27, subsection 29 (25) and sections 36, 50 and 51 of the *Planning Act* and where the Regional Council meets in respect of matters pertaining to planning for the purposes aforesaid, no separate meeting of the Council as a planning board is required. 1978, c. 33, s. 38.

Idem

(6) The Regional Council shall be deemed to be a county for the purposes of section 47 of the *Planning Act*.

Agreements
re plans of
subdivision

(7) The Regional Corporation may enter into agreements with area municipalities or persons relating to approval of plans of subdivision.

Agreements
re special
studies

(8) The Regional Corporation, with the approval of the Minister of Housing, may enter into agreements with any governmental authority, or any agency thereof created by statute for the carrying out of studies relating to the York Planning Area or any part thereof. R.S.O. 1970, c. 408, s. 90 (6-8).

Committees
of
adjustment

(9) All committees of adjustment theretofore constituted by the council of a local municipality in the York Planning Area are dissolved on the 31st day of December, 1970, and the council of each area municipality shall by by-law constitute and appoint a committee of adjustment under section 48 of the *Planning Act*. R.S.O. 1970, c. 408, s. 90 (10).

No power in
committees
of adjust-
ment to
grant
consents

98—(1) On and after the 1st day of February, 1974, no committee of adjustment established by any area municipality has authority to grant consents referred to in section 29 of the *Planning Act*, and all such powers shall be exercised by the land division committee established by the Regional Council.

Land
division
committee

(2) The Regional Council shall, without notice from the Minister, constitute and appoint a land division committee composed of such persons not fewer than three in number as the Regional Council considers advisable, to grant consents referred to in section 29 of the *Planning Act*.

Land
division
committee
to stand in
place of
committees
of adjust-
ment for
certain
purposes

(3) The land division committee referred to in subsection (2) stands in the place and stead of any committee of adjustment established by an area municipality for the purpose of completing the disposition of any application for a consent that may have been pending before any such committee and that is not finally disposed of on or before the 31st day of January, 1974.

Committee
to consult
with council

(4) The land division committee in considering an application to grant consents shall seek the opinion of the council

of the area municipality in which the land for the application is situate. 1973, c. 156, s. 4.

99. Except as provided in this Part, the provisions of the *Planning Act* apply. R.S.O. 1970, c. 408, s. 91. Application of R.S.O. 1980, c. 379

PART VIII

HEALTH AND WELFARE SERVICES

100.—(1) The Regional Corporation shall be deemed to be a city for all the purposes of the provisions of the *Public Hospitals Act* and the *Private Hospitals Act* respecting hospitalization and burial of indigent persons and their dependants, and no area municipality has any liability under such provisions. Liability for hospitalization of indigents R.S.O. 1980, cc. 410, 389

(2) The Regional Corporation is liable for the hospitalization and burial, after the 31st day of December, 1970, of an indigent person or his dependant who was in hospital on the 31st day of December, 1970, and in respect of whom any local municipality within the Regional Area was liable because the indigent person was a resident of such local municipality, or the County of York. Existing liabilities transferred

(3) Nothing in subsection (2) relieves any such local municipality from any liability in respect of hospitalization or burials before the 1st day of January, 1971. R.S.O. 1970, c. 408, s. 92 (1-3). Proviso

101. The Regional Council may pass by-laws for granting aid for the construction, erection, establishment, acquisitions, maintenance, equipping and carrying on the business of public hospitals including municipal hospitals and other health care facilities in the Regional Area and may issue debentures therefor. R.S.O. 1970, c. 408, s. 93. Aid to hospitals

102.—(1) On the 1st day of July, 1978, the Regional Area health unit, and the York Regional Board of Health are dissolved, and the assets and liabilities of the Board become the assets and liabilities of the Regional Corporation without compensation, and the Regional Corporation shall stand in the place and stead of The York Regional Board of Health for the purposes of any agreements entered into, orders made, or matters commenced by that Board, and for the purposes of any proceedings which have been or may be instituted against that Board. Health unit and Board dissolved

(2) The Regional Corporation shall have all the powers and rights and be subject to all the duties conferred or imposed on a local board of health for a municipality by the *Public Health Act* and shall perform all the functions of such a board, and the functions that would have been performed by the local board or the medical officer of health Regional Corporation to have powers, etc., of local board of health R.S.O. 1980, c. 409

or the public health inspector of an area municipality shall be performed by the Regional Corporation or the medical officer of health or the health inspector of the Regional Corporation, as the case may be.

Regional
Corpora-
tion deemed
municipal-
ity

(3) The Regional Corporation shall be deemed to be a municipality for the purposes of the *Public Health Act*.

Non-
application of
R.S.O. 1980,
c. 409,
ss. 19, 21

(4) Section 19 of the *Public Health Act* does not apply to the Regional Corporation, and section 21 of that Act does not apply to the officer appointed under section 17 of this Act.

Non-
application of
R.S.O. 1980,
c. 409,
ss. 17, 39

(5) Sections 17 and 39 of the *Public Health Act* do not apply to an area municipality.

Regional
Corpora-
tion deemed
local board

(6) The Regional Corporation shall be deemed to be a local board of health for a municipality for the purposes of sections 25 and 149 and subsections 132 (2) and (5) and Schedule B of the *Public Health Act*.

Deemed
secretary of
local board
of health

(7) The officer appointed under section 17 shall be deemed to be the secretary of a local board for the purposes of sections 28 and 92 and subsection 27 (2), and subsection 78 (7) and Schedule B of the *Public Health Act*.

Application of
R.S.O. 1980,
c. 409,
ss. 37, 129,
150 (2)

(8) For the purposes of sections 37 and 129 and subsection 150 (2) of the *Public Health Act*, an order made by the Regional Corporation pursuant to the powers conferred on the Regional Corporation by this section shall be deemed to be an order made by a local board.

Medical
officer of
health, etc.,
deemed
appointed
under
R.S.O. 1980,
c. 409, s. 39

(9) The medical officer of health and the public health inspector and all other classes of persons referred to in subsection 39 (7) of the *Public Health Act* employed by the Regional Corporation under subsection (13) shall be deemed to have been duly appointed under section 39 of the *Public Health Act* and shall have all the powers, rights and privileges and be subject to all the duties conferred or imposed upon such persons by that Act or any other Act.

Application of
R.S.O. 1980,
c. 409,
s. 127 (1)

(10) For the purposes of subsection 127 (1) of the *Public Health Act*, a request to the Minister of Health by the Regional Corporation shall be deemed to be a request by a local board.

Application of
R.S.O. 1980,
c. 409,
ss. 157, 158

(11) The Regional Corporation may exercise the powers conferred by sections 157 and 158 of the *Public Health Act* and no area municipality may exercise such powers.

Recovery of
expenditures

(12) Where the Regional Corporation or the medical officer of health or a public health inspector of the Regional

Corporation has incurred expenditures that under the *Public Health Act* may be recovered by levying the amount thereof against rateable property in a municipality or by adding the amount thereof to the collector's roll and collecting such amount in a like manner as municipal taxes, the Regional Council may by by-law direct the appropriate area municipality to levy such amount or to add such amount to its collector's roll, as the case may be, and to collect the same in accordance with the provisions of the *Public Health Act*, and the council of an area municipality shall forthwith upon receiving a direction under this subsection comply therewith, and any moneys collected under this subsection shall forthwith be paid over to the financial officer of the Regional Corporation.

R.S.O. 1980,
c. 409

(13) The Regional Corporation shall offer to employ every person who, on the 30th day of June, 1978, is employed by The York Regional Board of Health, and any person who accepts employment offered under this subsection shall be entitled to receive a wage or salary up to and including the 30th day of June, 1979, of not less than he was receiving on the 30th day of June, 1978.

Offer of
employ-
ment

(14) Subsections 24 (2), (3) and (5) apply with necessary modifications to the Regional Corporation and to persons employed under subsection (13) as though such persons were employed on the 30th day of June, 1978, by a local board of a local municipality within the Regional Area.

Application of
s. 24 (2, 3, 5)

(15) Where a person employed under subsection (13) was not employed under a collective agreement on the 30th day of June, 1978, the Regional Corporation shall place to the credit of such person the sick leave credits standing to his credit on such date in the sick leave credit plan of The York Regional Board of Health.

Sick leave
credits

(16) Nothing in subsections (13), (14) and (15) prevents the Regional Corporation from terminating the employment of an employee for cause. 1978, c. 33, s. 39, *part*.

Termina-
tion of
employ-
ment

103.—(1) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a city and no area municipality shall be deemed to be a municipality:

Regional
Corporation
deemed city
under
R.S.O. 1980,
cc. 21, 263,
463, 527

1. *Anatomy Act*.
2. *Mental Hospitals Act*.
3. *Sanatoria for Consumptives Act*.
4. *War Veterans Burial Act*.

Regional
Corporation
deemed
county under
R.S.O. 1980,
cc. 111, 188,
200

(2) For the purposes of the following Acts, the Regional Corporation shall be deemed to be a county and no area municipality shall be deemed to be a municipality:

1. *Day Nurseries Act*.

2. *General Welfare Assistance Act*.

3. *Homemakers and Nurses Services Act*. R.S.O. 1970, c. 408, s. 96.

Liability
respecting
homes for
the aged
R.S.O. 1980,
c. 203

104. The Regional Corporation shall be deemed to be a county for the purposes of the *Homes for the Aged and Rest Homes Act*, and no area municipality has any authority as to the establishment, erection and maintenance of a home for the aged under such Act. R.S.O. 1970, c. 408, s. 97 (1).

Residents of
other homes
for the aged

105.—(1) The Regional Corporation shall pay to the board of management of any home for the aged located outside the Regional Area the cost of maintenance in such home, incurred after the 31st day of December, 1970, of every resident of such home who was admitted thereto due to residence in an area that becomes part of an area municipality.

Amount of
maintenance
payment

(2) The amount payable by the Regional Corporation under subsection (1) shall be such as may be agreed upon or, failing agreement, as may be determined by the Municipal Board. R.S.O. 1970, c. 408, s. 98.

Area
municipality
not munici-
pality under
R.S.O. 1980,
c. 66

106. No area municipality shall be deemed to be a municipality for the purposes of the *Child Welfare Act*. R.S.O. 1970, c. 408, s. 99.

Liability
under order
made under
R.S.C. 1952,
c. 160

107. Where an order is made under subsection 20 (2) of the *Juvenile Delinquents Act* (Canada) upon an area municipality, such order shall be considered to be an order upon the Regional Corporation, and the sums of money required to be paid under such order shall be paid by the Regional Corporation and not by the area municipality. R.S.O. 1970, c. 408, s. 101.

Information

108. Every area municipality and every officer or employee thereof shall, at the request of the officers of the Regional Corporation who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Part. R.S.O. 1970, c. 408, s. 102.

Adjustments

109. In the event that there is any doubt as to whether the Regional Corporation is liable under this Part in respect of the liabilities imposed herein, the matter may be

settled by agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board. R.S.O. 1970, c. 408, s. 103.

110. The Regional Corporation may grant aid to approved corporations established under the *Homes for Retarded Persons Act*, and may enter into agreements with any of such corporations with respect to the construction, operation and maintenance of homes for retarded persons. R.S.O. 1970, c. 408, s. 104.

Grants, etc.,
to approved
corporations
under
R.S.O. 1980,
c. 201

PART IX

POLICE

111. In this Part, "York Police Board" means the York Regional Board of Commissioners of Police. R.S.O. 1970, c. 408, s. 105.

Interpre-
tation

112.—(1) The board of commissioners of police known as the York Regional Board of Commissioners of Police is continued and shall consist of,

York
Regional
Board
continued

(a) two members of the Regional Council appointed by resolution of the Regional Council;

(b) a judge of the county court of the Judicial District of York designated by the Lieutenant Governor in Council; and

(c) two persons appointed by the Lieutenant Governor in Council.

(2) Three members of the York Police Board, including a member appointed by the Regional Council, are necessary to form a quorum. R.S.O. 1970, c. 408, s. 106 (1, 2).

Quorum

(3) The Regional Corporation shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations under the *Police Act*, to the members of the York Police Board appointed by the Lieutenant Governor in Council. 1978, c. 33, s. 40.

Remunera-
tion

113.—(1) On and after the 1st day of January, 1971,

(a) the Regional Corporation shall be deemed to be a city having a population of more than 15,000 according to the last municipal census for the purposes of the *Police Act*, except subsections 8 (1) to (4) thereof;

Regional
Corporation
deemed city
under
R.S.O. 1980,
c. 381

R.S.O. 1980,
c. 381

(b) the *Police Act*, except section 70, does not apply to any area municipality; and

(c) the York Police Board and the members of the York Regional Police Force shall be charged with the same duties with respect to by-laws of the area municipalities as with respect to by-laws of the Regional Corporation. 1971, c. 75, s. 4, *part*; 1978, c. 33, s. 41.

Fines

(2) The fines imposed for the contravention of the by-laws of any area municipality shall, where prosecuted by the York Regional Police Force, belong to the Regional Corporation and, where prosecuted by any other person, belong to the area municipality whose by-law has been contravened. 1971, c. 75, s. 4, *part*.

Area police
force

114.—(1) Every person who is a member of a police force of a local municipality within the Regional Area on the 1st day of April, 1970, and continues to be a member until the 31st day of December, 1970, shall, on the 1st day of January, 1971, become a member of the York Regional Police Force, and the provisions of subsections 24 (5) and (11) apply to such members, but no members shall receive in the year 1971 any benefits of employment less favourable than those he was receiving from the local municipality. R.S.O. 1970, c. 408, s. 108 (1); 1973, c. 156, s. 5 (1).

York
Regional
Police
Force

(2) Every person who is a member of a police force of a local municipality on the 31st day of December, 1970, and becomes a member of the York Regional Police Force on the 1st day of January, 1971, is subject to the government of the York Police Board to the same extent as if appointed by the York Police Board. R.S.O. 1970, c. 408, s. 108 (2).

Terms of
employment

(3) Every person who becomes a member of the York Regional Police Force under subsection (1) shall,

(a) be considered to have elected to participate in the Ontario Municipal Employees Retirement System if he was a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment by the York Police Board and such member shall have uninterrupted membership in the Ontario Municipal Employees Retirement System;

(b) with the exception of civilian employees and assistants, be retired on the last day of the month in which the member attains the age of sixty

years, provided that any member of the police force of a former local municipality who had a retirement age of sixty-five years immediately before becoming a member of the York Regional Police Force shall, until the 1st day of January, 1975, be retired on the last day of the month in which such member attains the age of sixty-five years;

(c) have credited to him in the York Regional Police Force the total number of years of service that he had in the police force of the local municipality of which he was a member immediately prior to the 1st day of January, 1971; and

(d) receive such sick leave credits in the sick leave credit plan which shall be established by the York Police Board as he had standing to his credit in the plan of the local municipality. R.S.O. 1970, c. 408, s. 108 (3); 1973, c. 156, s. 5 (2).

(4) Every civilian employee and assistant of the York Regional Police Force shall be retired on the last day of the month in which he attains the age of sixty-five years. Civilian employee retirement

(5) Section 100 of the *Municipal Act* applies with necessary modifications to the York Police Board. 1973, c. 156, s. 5 (3). Application of R.S.O. 1980, c. 302, s. 100

115.—(1) The Regional Council shall, before the 1st day of January, 1971, pass by-laws which shall be effective on such date assuming for the use of the York Police Board any such land or building that the York Police Board may require that is vested on the 1st day of July, 1970, in any local municipality or local board thereof, and at least 40 per cent of which is used on such date for the purposes of the police force of that municipality, and on the day any such by-law becomes effective the property designated therein vests in the Regional Corporation. R.S.O. 1970, c. 408, s. 109 (1). Assumption of buildings

(2) Notwithstanding subsection (1), a by-law for assuming any land or building mentioned in subsection (1), with the approval of the Municipal Board, may be passed after the 1st day of January, 1971, and in that case the by-law shall become effective on the date provided therein. Extension of time

(3) Where any part of a building mentioned in subsection (1) is used by the local municipality or a local board thereof for other than police purposes, the Regional Corporation may, Building not used exclusively for police force

- (a) where practicable, assume only the part of the building and land appurtenant thereto used for the purposes of the police force of such municipality; or
- (b) vest the building and land appurtenant thereto in the Regional Corporation and enter into an agreement with such municipality or local board thereof for the use of a part of the building by such municipality or local board on such terms and conditions as may be agreed upon.

Regional
Corporation
liability

(4) Where the Regional Corporation assumes any property under subsection (1) or (2),

- (a) no compensation or damage shall be payable to the local municipality or local board except as provided in this subsection;
- (b) the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any property vested in the Regional Corporation; and
- (c) the Regional Corporation shall thereafter pay to the area municipality for the portion of any land or building vested in the Regional Corporation under this section that is not used for police purposes on the 1st day of July, 1970, such amount as may be agreed upon and failing agreement the Municipal Board, upon application, may determine the amount, and its decision is final, provided such amount shall not be greater than the capital expenditure for such portion of such land or building less the amount of any outstanding debt in respect of such portion. R.S.O. 1970, c. 408, s. 109 (3-5).

Default

(5) If the Regional Corporation fails to make any payment on or before the due date required by clause (4) (b), the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum, or such lower rate as the council of the area municipality determines, from such date until payment is made. 1979, c. 81, s. 40.

Accommo-
dation

(6) Where a building vested in a local municipality or local board is used partly by the police force of the municipality and is not vested in the Regional Corporation under this section, the area municipality at the request of the York Police Board on or after the 1st day of January, 1971, shall

provide, at such rental as may be agreed upon, at least as much accommodation in such building for the use of the York Police Board as was being provided by the local municipality for its police force on the 1st day of July, 1970, and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

(7) At the request of the York Police Board, each area municipality, for the use of the York Police Board, Office
supplies, etc.

- (a) shall transfer to the Regional Corporation without compensation all personal property, including office supplies and stationery in the possession of the area municipality on the 1st day of January, 1971, that was provided for the exclusive use of the police force of the area municipality; and
- (b) shall make available to the Regional Corporation all personal property the use of which was shared by the police force and any department or departments of the area municipality on the 1st day of January, 1971, on the same terms and to the same extent as the police force used the property before such date.

(8) All signal and communication systems owned by any local municipality and used for the purposes of the police force of the municipality on the 1st day of July, 1970, or thereafter, are vested in the Regional Corporation for the use of the York Police Board on the 1st day of January, 1971, and no compensation shall be payable to the municipality therefor and the Regional Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of any such signal or communication system. Signal
system
transferred

- (9) In the event of any doubt as to whether, Settling of
doubts
- (a) any outstanding debt or portion thereof was incurred in respect of any property assumed; or
 - (b) any land or building is used at least 40 per cent for the purposes of a police force,

the Municipal Board, upon application, may determine the matter and its decision is final. R.S.O. 1970, c. 408, s. 109 (7-10).

116. The Regional Corporation shall provide all real and personal property necessary for the purposes of the York Police Board. R.S.O. 1970, c. 408, s. 110. Property to
be provided

PART X

FINANCES

Interpre-
tation

R.S.O. 1980,
c. 31

117.—(1) In this Part, “rateable property” includes business and other assessment made under the *Assessment Act*. R.S.O. 1970, c. 408, s. 111 (1).

Where no
last revised
assessment
roll

(2) Where in any year in an area municipality there is no last revised assessment roll, for the purposes of this Part the assessment roll as returned shall be deemed to be the last revised assessment roll for that year. 1971, c. 75, s. 5.

Investment
of moneys
not imme-
diately
required
R.S.O. 1980,
c. 302

118.—(1) Section 169 of the *Municipal Act* applies with necessary modifications to the Regional Corporation. R.S.O. 1970, c. 408, s. 112.

Deemed
municipality
for purposes of
R.S.O. 1980,
c. 102

(2) The Regional Corporation shall be deemed to be a municipality for the purposes of section 35 of the *Credit Unions and Caisses Populaires Act*. 1979, c. 81, s. 41.

YEARLY ESTIMATES AND LEVIES

Interpre-
tation

119. In sections 121, 122 and 124, “Ministry” means the Ministry of Revenue. 1972, c. 78, s. 12.

Yearly
estimates

120.—(1) The Regional Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the Regional Corporation, including the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Ministry may from time to time prescribe.

Allowance
to be made
in estimates

(2) In preparing the estimates, the Regional Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and amount as the Ministry may approve. R.S.O. 1970, c. 408, s. 113; 1972, c. 1, s. 1.

Application of
R.S.O. 1980,
cc. 31, 302

(3) Section 33 of the *Assessment Act* and section 465 of the *Municipal Act* apply with necessary modifications to the Regional Corporation. 1972, c. 78, s. 13.

Levy on
area muni-
cipalities

121.—(1) The Regional Council in each year shall levy against the area municipalities a sum sufficient,

(a) for payment of the estimated current annual expenditures as adopted; and

(b) for payment of all debts of the Regional Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the Regional Corporation is liable under this Act.

(2) The Regional Council shall ascertain and by by-law direct what portion of the sum mentioned in subsection (1) shall be levied against and in each area municipality. Apportionment

(3) Subject to subsection (10), all amounts levied under subsection (1) shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the Regional Area, according to the last revised assessment rolls. R.S.O. 1970, c. 408, s. 114 (1-3). Idem

(4) The Ministry shall revise and equalize the last revised assessment rolls of the area municipalities and, for the purpose of subsection (3), the last revised assessment rolls for the area municipalities as so revised and equalized by the Ministry shall be deemed to be the last revised assessment rolls of the area municipalities. R.S.O. 1970, c. 408, s. 114 (4); 1972, c. 1, s. 1. Equalized assessment

(5) Subsection (4) shall cease to apply on a date to be determined by order of the Minister. R.S.O. 1970, c. 408, s. 114 (5). When subs. (4) ceases to apply

(6) Upon completion by the Ministry of the revision and equalization of assessment, the Ministry shall notify the Regional Corporation and each of the area municipalities of the revised and equalized assessment of each area municipality. Copy to Regional Corporation and area municipality

(7) If any area municipality is not satisfied with the assessment as revised and equalized by the Ministry, the area municipality may appeal from the decision of the Ministry by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised and equalized assessment was sent to the area municipality by the Ministry. R.S.O. 1970, c. 408, s. 114 (6, 7); 1972, c. 1, s. 1. Appeal

(8) Every notice of revision and equalization made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision and equalization. R.S.O. 1970, c. 408, s. 114 (8). Idem

Amendment
of by-law
where
necessary
following
appeal

(9) Where the last revised assessment of the area municipality has been revised and equalized by the Ministry and has been appealed, the Regional Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection (2) so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and,

(a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the financial officer of the Regional Corporation; and

(b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the financial officer of the Regional Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the financial officer of the Regional Corporation shall pay the amount of the decrease to the treasurer of the area municipality. R.S.O. 1970, c. 408, s. 114 (9); 1972, c. 1, s. 1.

Fixed
assessments,
etc., not to
apply

(10) The apportionment of the levy among the area municipalities as provided for in subsections (2) and (3) shall be based on the full value of all rateable property, and, notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 22 of the *Assessment Act* or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of the *Assessment Act*. R.S.O. 1970, c. 408, s. 114 (10).

R.S.O. 1980,
c. 31

Assessment
upon which
levy apportioned
to include
valuations
on properties
for which
payments
in lieu of
taxes paid

(11) The assessment upon which the levy among the area municipalities shall be apportioned shall include the valuations of all properties for which payments in lieu of taxes which include a payment in respect of regional levies are paid by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof or Ontario Hydro to any area municipality. R.S.O. 1970, c. 408, s. 114 (11); 1973, c. 57, s. 19.

Valuations
of properties
in respect of
which grants
in lieu of
taxes
received

(12) The clerk of an area municipality shall transmit to the Ministry, within fourteen days of a payment in lieu of taxes, a statement of the valuations of real property in the area municipality upon which such payment was made together with a statement showing the computations of such payment, and the Ministry shall revise and equalize the valuations, and shall thereupon notify the Regional Corporation of the revised and equalized valuations. R.S.O. 1970, c. 408, s. 114 (12); 1972, c. 1, s. 1.

(13) One by-law or several by-laws for making the levies Levy by-laws may be passed as the Regional Council may consider expedient.

(14) Subject to subsections 36 (4), (5) and (6) of the *Assessment Act*, in each area municipality the regional levy shall be calculated and levied upon the whole rateable property rateable for such purpose within such area municipality according to the last revised assessment roll thereof. Regional levy
R.S.O. 1980,
c. 31

(15) All moneys levied against an area municipality under the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the Regional Corporation and the treasurer of every area municipality shall pay the moneys so levied to the financial officer of the Regional Corporation at the times and in the amounts specified by the by-law of the Regional Council mentioned in subsection (2). Payment R.S.O. 1970, c. 408, s. 114 (13-15).

(16) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of 15 per cent per annum, or such lower rate as the Regional Council determines, from the date payment is due until it is made. Default 1979, c. 81, s. 42.

122.—(1) The Ministry shall revise and equalize, by the application of the latest equalization factors of the Ministry, each part of the last revised assessment rolls of the area municipalities that relates to a merged area and each such part of the last revised assessment roll of each of the area municipalities as revised and equalized is final and binding. Equalization of assess-
ment of
merged
areas

(2) Upon completion by the Ministry of the revision and equalization of assessment in an area municipality under subsection (1), the Ministry shall notify the area municipality of the revised and equalized assessment. Notice

(3) The net regional levy and the sums adopted in accordance with section 164 of the *Municipal Act* for all purposes, excluding school purposes, levied against the whole rateable property of an area municipality shall be apportioned among the merged areas of such area municipality in the proportion that the total equalized assessment of each merged area bears to the total equalized assessment of the area municipality both according to the last revised assessment roll as equalized by the Ministry under subsection (1). Apportion-
ment among
merged areas
R.S.O. 1980,
c. 302

(4) The provisions of this section shall cease to apply on the date determined by the Minister under subsection 121 (5). When
provisions
cease to
apply R.S.O. 1970, c. 408, s. 115; 1972, c. 1, s. 1.

Levy by
Regional
Council
before
estimates
adopted

123.—(1) Notwithstanding section 121, the Regional Council may, before the adoption of estimates for the year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the Regional Council in the preceding year against that area municipality and subsections 121 (15) and (16) apply to such levy.

Levy under
section 121
to be
reduced

(2) The amount of any levy made under subsection (1) shall be deducted from the amount of the levy made under section 121.

Levy by
area muni-
cipality
before
estimates
adopted

(3) Notwithstanding section 122, until the date determined by the Minister under subsection 121 (5), the council of an area municipality may in any year by by-law passed before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, before the adoption of the estimates, on the whole of the assessment for real property in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters.

Business
assessment

(4) Where the council of an area municipality has not provided for taking the assessment of business during the same year in which the rates of taxation thereon are to be levied, the council, notwithstanding section 122, until the date determined by the Minister under subsection 121 (5), may, by by-law passed before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, before the adoption of the estimates, on the whole of the business assessment in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on business assessment of public school supporters.

Levy under
s. 122 to be
reduced

(5) The amount of any levy under subsection (3) or (4) shall be deducted from the amount of the levy made under section 122.

Application of
R.S.O. 1980,
c. 302,
s. 159 (5)

(6) Subsection 159 (5) of the *Municipal Act* applies to levies made under this section.

R.S.O. 1980,
c. 302, s. 159,
not to apply

(7) Section 159 of the *Municipal Act* does not apply until the date determined by the Minister under subsection 121 (5). R.S.O. 1970, c. 408, s. 116 (2-4).

Rates under
R.S.O. 1980,
c. 129

124.—(1) For the purposes of levying taxes under Part IV of the *Education Act*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the area municipality shall be deemed to be the council of each such merged area.

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of the application of section 222 of the *Education Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality, both as equalized by the Ministry in accordance with subsection 122 (1).

Rates for public school purposes on commercial assessment
R.S.O. 1980, c. 129

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 222 of the *Education Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality, both as equalized by the Ministry in accordance with subsection 122 (1).

Rates for public school purposes on residential assessment

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 222 of the *Education Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the area municipality, both as equalized by the Ministry in accordance with subsection 122 (1).

Rates for secondary school purposes on commercial assessment

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 222 of the *Education Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality, both as equalized by the Ministry in accordance with subsection 122 (1).

Rates for secondary school purposes on residential assessment

(6) Notwithstanding subsections (2), (3), (4) and (5), where, in any year, a regulation is in force under section 214 of the *Education Act*, the apportionments referred to in the said subsections (2), (3), (4) and (5) shall be made in accordance with the regulation.

Regulations under R.S.O. 1980, c. 129 to apply

(7) The provisions of this section apply until the date determined by the Minister under subsection 121 (5). R.S.O. 1970, c. 408, s. 117; 1972, c. 1, s. 1.

Application of section

125. The Minister may provide from time to time by order that, in the year or years and in the manner speci-

Transitional adjustments

fied in the order, the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this section. R.S.O. 1970, c. 408, s. 118.

RESERVES

Reserves of
Regional
Corporation

126. Where, under subsection 297 (2) of *The Municipal Act*, being chapter 249 of the Revised Statutes of Ontario, 1960, the County of York has established reserves, those reserves shall become the reserves of the Regional Corporation. R.S.O. 1970, c. 408, s. 120.

RESERVE FUNDS

Reserve
funds of
municipalities

127.—(1) Reserve funds established by local municipalities for purposes for which the Regional Council has authority to spend funds and for which the council of an area municipality has no authority to spend funds are reserve funds of the Regional Corporation and the assets of such reserve funds are vested in the Regional Corporation.

Idem

(2) Reserve funds established by local municipalities, other than divided municipalities, for purposes for which the councils of area municipalities have authority to spend funds and for which the Regional Council has no authority to spend funds are reserve funds of the area municipality of which the local municipality forms a part and the assets of such reserve funds are vested in such area municipality. R.S.O. 1970, c. 408, s. 123.

Reserve
funds,
establishment

128.—(1) The Regional Council may in each year provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds. 1976, c. 70, s. 15 (1).

Investments
and income

(2) The moneys raised for a reserve fund established under subsection (1) shall be paid into a special account and may be invested in such securities as a trustee may invest in under the *Trustee Act*, and the earnings derived from the investment of such moneys form part of the reserve fund. R.S.O. 1970, c. 408, s. 124 (2).

R.S.O. 1980,
c. 512

(3) The moneys raised for a reserve fund established under subsection (1) shall not be expended, pledged or applied to any purpose other than that for which the fund was established, unless approved by the Regional Council. 1976, c. 70, s. 15 (2). Expenditure of reserve fund moneys

(4) The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection (1). R.S.O. 1970, c. 408, s. 124 (4). Auditor to report on reserve funds

TEMPORARY LOANS

129.—(1) The Regional Council may by by-law, either before or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize the chairman and financial officer to borrow from time to time by way of promissory note such sums as the Regional Council considers necessary to meet, until the levies and other revenues are received, the current expenditures of the Regional Corporation for the year, including the amounts required for principal and interest falling due within the year upon any debt of the Regional Corporation and the sums required by law to be provided by the Regional Council for any local board of the Regional Corporation. R.S.O. 1970, c. 408, s. 125 (1); 1972, c. 78, s. 15. Current borrowings

(2) The amount that may be borrowed at any one time for the purposes mentioned in subsection (1), together with any similar borrowings that have not been repaid, shall not, except with the approval of the Municipal Board, exceed 70 per cent of the uncollected balance of the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the year. Limit upon borrowings

(3) Until such estimates are adopted, the limitation upon borrowing prescribed by subsection (2) shall temporarily be calculated upon the estimated revenues of the Regional Corporation as set forth in the estimates adopted for the next preceding year. Temporary application of estimates of preceding year

(4) The lender is not bound to establish the necessity of borrowing the sum lent or to see to its application. Protection of lender

(5) Any promissory note made under the authority of this section shall be sealed with the seal of the Regional Corporation and signed by the chairman or by some other person authorized by by-law to sign it, and by the financial officer, Execution of promissory notes

and may be expressed so as to bear interest only upon such money as may be borrowed thereon from the time when such money is actually lent. R.S.O. 1970, c. 408, s. 125 (2-5).

Idem

(6) The signature of the chairman or any other person authorized to sign promissory notes may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on promissory notes made under this section and, if such promissory note is countersigned in writing by the deputy treasurer or any other person authorized by by-law to countersign it, the signature of the treasurer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced. 1977, c. 34, s. 13.

Creation of charge

(7) The Regional Council may by by-law provide or authorize the chairman and financial officer to provide by agreement that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, be a charge upon the whole or any part or parts of the revenues of the Regional Corporation for the current year and for any preceding years as and when such revenues are received, provided that such charge does not defeat or affect and is subject to any prior charge then subsisting in favour of any other lender.

Execution of agreements

(8) Any agreement entered into under subsection (7) shall be sealed with the corporate seal and signed by the chairman and financial officer.

Penalties for excess borrowings

(9) If the Regional Council authorizes the borrowing of or borrows any larger amount than is permitted under this section, every member who knowingly votes therefor is disqualified from holding any municipal office for two years.

Penalty for misapplication of revenues by Regional Council

(10) If the Regional Council authorizes the application of any revenues of the Regional Corporation charged under the authority of this section otherwise than in repayment of the loan secured by such charge, the members who knowingly vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Penalty for misapplication of revenues by officials

(11) If any member of the Regional Council or officer of the Regional Corporation knowingly applies any revenues so charged otherwise than in repayment of the loan secured by such charge, he is personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction. R.S.O. 1970, c. 408, s. 125 (6-10).

Saving as to penalties

(12) Subsections (9), (10) and (11) do not apply to the Regional Council or any member of the Regional Council or officer of the

Regional Corporation acting under an order or direction issued or made under the authority of the *Municipal Affairs Act*, nor do they apply in any case where application of the revenues of the Regional Corporation is made with the consent of the lender in whose favour a charge exists. R.S.O. 1970, c. 408, s. 125 (11); 1972, c. 1, s. 104 (6).

DEBT

130.—(1) Subject to the limitations and restrictions in this Act and the *Ontario Municipal Board Act*, the Regional Council may borrow money for the purposes of, ^{Debt R.S.O. 1980, c. 303}

- (a) the Regional Corporation;
- (b) any area municipality;
- (c) the joint purposes of any two or more area municipalities,

whether under this or any general or special Act, and may issue debentures therefor on the credit of the Regional Corporation.

(2) All debentures issued pursuant to a by-law passed by the Regional Council under the authority of this Act are direct, joint and several obligations of the Regional Corporation and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities, but nothing in this subsection affects the rights of the Regional Corporation and of the area municipalities respectively as among themselves. ^{Liability}

(3) Notwithstanding any general or special Act, no area municipality has, after the 31st day of December, 1970, power to issue debentures. ^{Limitation}

(4) When an area municipality, prior to the 31st day of December, 1970, <sup>Uncom-
pleted works</sup>

- (a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 64 (1) of *The Ontario Municipal Board Act*, being chapter 274 of the Revised Statutes of Ontario, 1960; and
- (b) has entered into a contract for or authorized the commencement of such work, project or matter but

has not prior to that date issued the debentures authorized,

the Regional Council, upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the Regional Corporation for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 132 and no further approval of the Municipal Board is required.

Bonds,
debentures,
etc.,
trustee
investments

R.S.O. 1980,
c. 512

(5) Bonds, debentures and other evidences of indebtedness of the Regional Corporation shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of the *Trustee Act*. R.S.O. 1970, c. 408, s. 126.

Power to
incur debt
or issue
debentures
R.S.O. 1980,
c. 347

131.—(1) Subject to the limitations and restrictions in this Act and the *Ontario Municipal Board Act*, the Regional Corporation may by by-law incur a debt or issue debentures for the purposes set forth in subsection 130 (1) and, notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the Regional Area.

Idem

(2) Where, under any general or special Act, an area municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the Regional Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence to the passing of the by-law by the Regional Council has been obtained.

Proviso

(3) Nothing in subsection (2) requires the assent of any electors where such assent has been dispensed with under section 63 of the *Ontario Municipal Board Act*. R.S.O. 1970, c. 408, s. 127.

Borrowing
pending
issue and
sale of
debentures

132.—(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the Regional Corporation for its purposes, the Regional Council pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time for the purpose authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the

chairman and financial officer to raise money by way of loan on the debentures and to hypothecate them for the loan. 1977, c. 34, s. 14 (1).

(2) When the Municipal Board has authorized the borrow- ^{Idem}ing of money and the issue of debentures by the Regional Corporation for the purposes of an area municipality, the Regional Council or the council of the area municipality, pending the issue and sale of the debentures may, and the Regional Council on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time for the purposes authorized, and the Regional Council may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and financial officer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality. 1977, c. 34, s. 14 (2).

(3) The Regional Corporation may charge interest on any ^{Interest on proceeds transferred} proceeds of an advance or loan transferred under subsection (2) at a rate sufficient to reimburse it for the cost of such advance or loan.

(4) The proceeds of every advance or loan under this ^{Application of proceeds of loan} section shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to see to the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality, the balance, subject to section 146, shall be transferred to the area municipality.

(5) Subject to subsection (4), the redemption of a debenture ^{Hypothecation not to prevent subsequent sale of debentures} hypothecated does not prevent the subsequent sale thereof. R.S.O. 1970, c. 408, s. 129 (3-5).

(6) The signature of the chairman or any other person ^{Signature of chairman, etc., may be mechanically reproduced} authorized to sign loan agreements may be written, stamped, lithographed, engraved or otherwise mechanically reproduced on loan agreements made under this section and, if such loan agreement is countersigned in writing by the deputy financial officer or any other person authorized by by-law to countersign it, the signature of the financial officer thereon may be written, stamped, lithographed, engraved or otherwise mechanically reproduced. 1977, c. 34, s. 14 (3).

133.—(1) Where the Regional Corporation has entered ^{Temporary borrowing} into an agreement under the *Ontario Water Resources Act*, R.S.O. 1980, c. 361

whereby the Regional Corporation is entitled to receive moneys from the Crown, the Regional Council, pending the receipt of any such moneys may, in order to meet expenditures incurred in carrying out the agreement, agree with a bank or a person for temporary advances from time to time.

Application
of proceeds

(2) The proceeds of every advance under this section shall be applied to the expenditures incurred in carrying out the agreement made by the Regional Corporation under the *Ontario Water Resources Act*, but the lender shall not be bound to see to the application of the proceeds and, when the Regional Corporation has received the moneys to which it is entitled from the Crown under the said agreement such moneys shall be applied first in repayment of the advances. 1976, c. 43, s. 31.

R.S.O. 1980,
c. 361

Principal
and interest
payments

134.—(1) Subject to subsection (2), a money by-law for the issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest.

Sinking fund
debentures

(2) A money by-law for the issuing of debentures may provide that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case debentures issued under the by-law shall be known as sinking fund debentures.

When
debentures
to be
payable

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve.

Special levy
against area
municipalities

(4) The by-law may provide for raising in each year, by special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each area municipality shall pay to the Regional Corporation such sums at the times and in the amounts specified in the by-law.

General
levy

(5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law.

Levy by
area muni-
cipalities

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection (4) may be levied by the area municipality against persons or property

in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection (4). R.S.O. 1970, c. 408, s. 130 (1-6).

(7) Notwithstanding subsection (5), the Regional Council may by by-law,

- (a) authorize the borrowing of money by the issue of instalment debentures, the last instalment of which shall mature not earlier than ten years after the date upon which they are issued, and a specified sum of principal payable thereunder in the final year shall be raised by the issue of refunding debentures as provided in clause (b), and it shall not be necessary to raise by special rate in the year of maturity of the debentures to be refunded an amount equal to the specified principal amount of the debentures which are being refunded; and
- (b) authorize the issue of debentures to refund at maturity outstanding debentures of the municipality, provided that the refunding debentures shall be payable within the maximum period of years that was approved by the order of the Municipal Board for the repayment of debentures issued for the debt for which the outstanding debentures were issued, commencing on the date of the debentures originally issued for such debt,

and any such by-law shall provide that the sums of principal and interest payable under the by-law shall be raised by a special levy or levies against such area municipality or municipalities as may be specified in the by-law and such levy shall be levied against the same area municipality or municipalities in each case.

(8) Any special levy against an area municipality imposed by the by-law under the authority of subsection (7) may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection (7), and any levy imposed by a by-law under clause (7) (b) shall be levied by the area municipality against the same persons or property as the levy imposed by the related by-law under clause (7) (a) was levied. 1972, c. 78, s. 17 (1).

(9) All levies imposed by the by-law against an area municipality are a debt of the area municipality to the Regional Corporation.

By-law to
change mode
of issuing
debentures

(10) The Regional Council may by by-law authorize a change in the mode of issue of the debentures and may provide that the debentures be issued with coupons instead of in amounts of combined principal and interest or *vice versa*, and where any debentures issued under the by-law have been sold, pledged, or hypothecated by the Regional Council upon again acquiring them or at the request of any holder of them, may cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year. R.S.O. 1970, c. 408, s. 130 (7, 8).

Debentures
when to be
dated and
issued

(11) All the debentures shall be issued within two years after the passing of the by-laws unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the Regional Council it would be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law. R.S.O. 1970, c. 408, s. 130 (9); 1976, c. 43, s. 32 (1).

Date of
debentures

(12) All the debentures shall bear the same date, except where they are issued in sets, in which case every debenture of the same set shall bear the same date.

Idem

(13) Notwithstanding the provisions of the by-law, the debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection (11) and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.

Extension
of time
for issue

(14) The Municipal Board, on the application of the Regional Council, the council of any area municipality or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

Application
after time
expired

(15) The extension may be made although the application is not made until after the expiration of the two years or of the time provided for the issue of the set.

Effective
date

(16) Unless the by-law names a later day when it is to take effect, it takes effect on the day of its passing.

(17) Notwithstanding any general or special Act, the Regional Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor.

(18) Section 145 of the *Municipal Act* applies with necessary modifications to the Regional Corporation.

Consolidation
dating
debenture
by-laws
R.S.O. 1980,
c. 302

(19) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the Regional Corporation on any date prior to maturity, subject to the following provisions:

Redemption
before
maturity

1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and the amount at which such debenture may be so redeemed.
2. The principal of every debenture that is so redeemable becomes due and payable on the date set for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of the principal thereof, the interest to the date set for redemption and any premium payable on redemption.
3. Notice of intention so to redeem shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.
4. At least thirty days prior to the date set for such redemption, notice of intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the Regional Area and in such other manner as the by-law may provide.
5. Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debentures issued under the by-law shall be called for such redemption in priority to any such debenture that has a later maturity date.
6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assess-

ments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council in respect of the debenture so redeemed. R.S.O. 1970, c. 408, s. 130 (10-17).

Currency

(20) The by-law may provide that the debentures to be issued thereunder shall be expressed and be payable,

- (a) in lawful money of Canada and payable in Canada; or
- (b) in lawful money of the United States of America and payable in the United States of America; or
- (c) in lawful money of Great Britain and payable in Great Britain; or
- (d) subject to the prior approval of the Lieutenant Governor in Council, in a currency other than that of Canada, the United States of America or Great Britain. R.S.O. 1970, c. 408, s. 130 (18); 1972, c. 78, s. 17 (2).

**Annual
rates**

(21) Where under the provisions of the by-law debentures issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain or in any currency other than that of Canada, the Regional Council may in such by-law or in any amending by-law, in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in such year, provide that there shall be raised such yearly amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary. R.S.O. 1970, c. 408, s. 130 (19); 1972, c. 78, s. 17 (3).

**Principal
levies**

(22) When sinking fund debentures are issued, the amount of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding 5 per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due. R.S.O. 1970, c. 408, s. 130 (20); 1972, c. 78, s. 17 (4).

**Consolidated
bank
accounts**

(23) When sinking fund debentures are issued, the sinking fund committee shall keep one or more consolidated bank accounts in which,

- (a) the financial officer of the Regional Corporation shall deposit each year during the term of the debentures

the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and

- (b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments. R.S.O. 1970, c. 408, s. 130 (21).

(24) When sinking fund debentures are issued, there shall be a sinking fund committee that shall be composed of the financial officer of the Regional Corporation and two members appointed by the Regional Council, and the two appointed members may be paid, out of the current fund of the Regional Corporation, such annual remuneration as the Regional Council determines. 1972, c. 78, s. 17 (5).

(25) The Regional Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member and any such alternate member may be paid, out of the current fund of the Regional Corporation, such remuneration as the Regional Council determines. 1976, c. 70, s. 16.

(26) The financial officer of the Regional Corporation shall be the chairman and treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer.

(27) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, in such amount as the auditor of the Regional Corporation shall determine, and in other respects the provisions of section 94 of the *Municipal Act* apply with respect to such security.

(28) Two members of the sinking fund committee are a quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee.

(29) All assets of the sinking funds, including all consolidated bank accounts, shall be under the sole control and management of the sinking fund committee.

(30) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all cheques on the consolidated bank accounts shall be signed by the chairman or acting chairman and one other member of the sinking fund committee.

Investments

(31) The sinking fund committee shall invest any moneys on deposit from time to time in the consolidated bank accounts and may at any time or times vary any investments. R.S.O. 1970, c. 408, s. 130 (24-29).

Idem

(32) The moneys in the consolidated bank accounts shall be invested in one or more of the following forms,

R.S.O. 1980,
c. 512

(a) in securities in which a trustee may invest under the *Trustee Act*;

(b) in debentures of the Regional Corporation;

(c) in temporary advances to the Regional Corporation pending the issue and sale of any debentures of the Regional Corporation;

(d) in temporary loans to the Regional Corporation for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made;

(e) in securities issued or unconditionally guaranteed as to principal and interest by the United States of America;

(f) in such other securities as are authorized by the Lieutenant Governor in Council. R.S.O. 1970, c. 408, s. 130 (30); 1976, c. 43, s. 32 (2).

Deposit of
securities
with
Treasurer
of Ontario

(33) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be deposited with the Treasurer of Ontario.

Release of
securities by
Treasurer
of Ontario

(34) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under subsection (33) only upon the direction in writing of the sinking fund committee.

Sinking
fund
accounts

(35) All sinking fund debentures issued on the same date, payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws, shall be deemed one debt and be represented by one sinking fund account.

Earnings
credited
to sinking
fund account

(36) That proportion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments, obtained by,

(a) multiplying the amount of all such earnings by the amount of the capitalized interest for that year

under subsection (22) with respect to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account; and

- (b) dividing the product obtained under clause (a) by the amount of all capitalized interest for that year under subsection (22) with respect to all principal raised up to and including such year for all outstanding sinking fund debentures,

shall be credited to the sinking fund account mentioned in clause (a).

(37) The financial officer of the Regional Corporation shall prepare and lay before the Regional Council in each year, before the annual regional levies are made, a statement showing the sums that the Regional Council will be required, by by-law, to raise for sinking funds in that year. Sinking fund requirements

(38) If the financial officer of the Regional Corporation contravenes subsection (23) or (37), he is guilty of an offence and on conviction is liable to a fine of not more than \$250. Offence

(39) If the Regional Council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the Regional Council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount. Failure to levy

(40) Notwithstanding this or any other Act or by-law, if it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the estimated earnings to be credited thereto under subsection (36) together with the levy required to be made by the by-law or by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of the debt represented by such sinking fund account when it matures, the Municipal Board, on the application of the sinking fund committee, the Regional Council or the council of an area municipality, may authorize the Regional Council or the council of an area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board. Where amount in sinking fund account more than sufficient to pay debt

(41) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the Regional Corporation or other- No diversion of sinking funds

wise than is provided in this section. R.S.O. 1970, c. 408, s. 130 (31-39).

Surplus

(42) When there is a surplus in a sinking fund account, the sinking fund committee shall,

- (a) use the surplus to increase the amount at the credit of another sinking fund account; or
- (b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes,
 - (i) to retire unmatured debentures of the Regional Corporation or of an area municipality,
 - (ii) to reduce the next annual levy on account of principal and interest payable with respect to debentures of the Regional Corporation or of an area municipality,
 - (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause (a) or (b) for the purposes of the Regional Corporation or an area municipality in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose. R.S.O. 1970, c. 408, s. 130 (40); 1972, c. 78, s. 17 (6).

Deficit and
surplus

(43) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities, any deficit in the sinking fund account shall be provided by the Regional Corporation out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection (42). R.S.O. 1970, c. 408, s. 130 (41).

Term
debentures

(44) A money by-law may authorize the issue of debentures of which a portion shall be payable on a fixed date with interest payable annually or semi-annually, in which case such debentures shall be known as term debentures.

Amounts to
be raised
annually

(45) In respect of the term debentures, the by-law shall provide for raising,

- (a) in each year of the currency of the term debentures, a sum sufficient to pay the interest on the term debentures; and
- (b) in each year of the currency of the term debentures in which no other debentures issued under the same by-law become due and payable, a specific amount to form a retirement fund for the term debentures, which with interest at a rate not to exceed 5 per cent per annum compounded yearly, will be sufficient to pay the principal of the term debentures at maturity.

(46) The retirement fund for the term debentures shall be administered by the sinking fund committee in all respects in the same manner as a sinking fund established under this section, and the provisions of subsections (23) to (43) of this section with respect to a sinking fund shall apply with necessary modifications to such retirement fund.

(47) Notwithstanding the provisions of any general or special Act or any differences in date of issue or maturity, every debenture issued shall rank concurrently and *pari passu* in respect of payment of principal and interest thereon with all other debentures of the Regional Corporation except as to the availability of any sinking funds applicable to any particular issue of debentures. 1976, c. 43, s. 32 (3).

135. Notwithstanding any other provision of this Act,

- (a) a money by-law of the Regional Council may provide that all or a portion of the debentures to be issued thereunder shall be payable on a fixed date, subject to the obligation of the Regional Corporation to redeem by lot annually on each anniversary of the date of such debentures a specified principal amount of such debentures upon payment by the Regional Corporation of such principal amount plus accrued interest to the date of redemption and upon giving notice as provided in this section;
- (b) the principal amount of every debenture that is called for redemption shall become due and payable on the date set for the redemption thereof and, after such date, interest ceases to accrue thereon where provision is duly made by the Regional Corporation for the payment of the principal amount thereof;

Retirement
fund admin-
istration

All debentures
rank equally

Debentures
payable on a
fixed date
subject to the
annual re-
demption
by lot of a
specified
principal
amount

interest
ceases to
accrue on
date set for
redemption

debentures
to be
redeemed
may be
purchased

- (c) the debentures to be redeemed on each anniversary of the date of such debentures shall be selected by lot by the treasurer of the Regional Corporation at a public meeting of the Regional Council and when redeemed shall be cancelled and shall not be reissued, provided always that the principal amount of the debentures to be redeemed in any year may be reduced by the principal amount of any debentures purchased by the Regional Corporation, at a price or prices not exceeding the principal amount thereof, and surrendered for cancellation on the date fixed for redemption;

notice to
redeem to
be sent by
mail

- (d) notice of intention to redeem any debenture shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person, if any, in whose name the debenture may be registered at the address shown in the Debenture Registry Book;

notice to
redeem to be
published

- (e) notice of intention to redeem any debenture shall be published at least thirty days prior to the date set for such redemption in such manner as the by-law may provide;

where only
portion of
debentures
payable on
fixed date

- (f) where only a portion of the debentures issued under a by-law is payable on a fixed date, the obligation of the Regional Corporation to redeem by lot annually a specified principal amount of such debentures does not apply in any year in which an instalment of principal of the remaining debentures issued under such by-law becomes due and payable; and

annual
amounts
payable to
be approxi-
mately
equal

- (g) the aggregate amounts of principal and interest, or the amounts of principal, payable in each year during the currency of debentures issued under this section shall be approximately equal. 1976, c. 43, s. 33.

Application of
R.S.O. 1980,
c. 302,
s. 152 (1)

136.—(1) Subsection 152 (1) of the *Municipal Act* applies with necessary modifications to the Regional Council. 1976, c. 70, s. 17.

Hypothecation not
a sale under
this section

(2) For the purposes of this section, the hypothecation of debentures under section 132 shall not constitute a sale or other disposal thereof.

Consolidation of
debentures

(3) The Regional Council may by one by-law authorized under subsection (1) amend two or more by-laws and provide

for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder.

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the Regional Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the Regional Council. R.S.O. 1970, c. 408, s. 131 (2-4). Special assessment and levies

137—(1) Where part only of a sum of money provided for by a by-law has been raised, the Regional Council may repeal the by-law as to any part of the residue, and as to a proportionate part of the amounts to be raised annually. Repeal of by-law when part only of money to be raised

(2) The repealing by-law shall recite the facts on which it is founded, shall provide that it shall take effect on the 31st day of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board. R.S.O. 1970, c. 408, s. 132. When to take effect

138.—(1) Subject to section 137, after a debt has been contracted under a by-law, the Regional Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not alter any such by-law so as to diminish the amount to be raised annually, and shall not apply to any other purpose any money of the Regional Corporation that has been directed to be applied to such payment. Until debt paid certain by-laws cannot be repealed

(2) When the Regional Corporation, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply any of the moneys so paid for any purpose other than the payment of the amounts of principal and interest so becoming due. R.S.O. 1970, c. 408, s. 133. Application of payments

139. Any officer of the Regional Corporation whose duty it is to carry into effect any of the provisions of a money by-law of the Regional Corporation, who neglects or refuses to do so, under colour of a by-law illegally Offence for neglect of officer to carry out by-law

attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on conviction is liable to a fine of not more than \$100. R.S.O. 1970, c. 408, s. 134.

Money
by-laws
may be
registered

140.—(1) Within four weeks after the passing of a money by-law, the officer appointed under section 17 may register a duplicate original or a copy of it, certified under his hand and the seal of the Regional Corporation, in the Registry Office for the Registry Division of York Region (No. 65). R.S.O. 1970, c. 408, s. 135 (1); 1972, c. 78, s. 18.

Application
to quash
registered
by-law,
when to be
made
R.S.O. 1980,
cc. 347, 126,
250

(2) Subject to section 61 of the *Ontario Municipal Board Act*, every by-law registered in accordance with subsection (1), or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under the *Drainage Act* or the *Local Improvement Act*, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought, is registered in such registry office within such period of three months or one month, as the case may be.

Time when
by-law to be
valid and
binding

(3) After the expiration of the period prescribed by subsection (2), if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms.

Quashing
part of
by-law

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection (2), but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, is, after the expiration of that period, valid and binding according to its terms.

Dismissal of
application

(5) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered, and after such dismissal and the expiration of the period prescribed by subsection (2), if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms.

(6) Nothing in this section makes valid a by-law passed without the assent of the electors of an area municipality as required by subsection 131 (2), or a by-law where it appears on the face of it that any of the provisions of subsection 134 (5) have not been substantially complied with. Illegal by-laws not validated

(7) Failure to register a by-law as prescribed by this section does not invalidate it. R.S.O. 1970, c. 408, s. 135 (2-7). Failure to register

141.—(1) A debenture or other like instrument shall be sealed with the seal of the Regional Corporation, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection (3), shall be signed by the chairman, or by some other person authorized by by-law of the Regional Corporation to sign it, and by the financial officer. Debentures, how sealed and executed

(2) A debenture may have attached to it interest coupons that shall be signed by the financial officer and his signature to them may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the financial officer on the date the Regional Council authorized the execution of the debenture or on the date the debenture bears or at the time the debenture was issued and delivered. Interest coupons

(3) The signature of the chairman, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and, if the debentures or other like instruments are countersigned in writing by a person authorized by by-law of the Regional Corporation to countersign, the signature of the financial officer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon. Mechanical reproduction of signatures

(4) The seal of the Regional Corporation when so engraved, lithographed, printed or otherwise mechanically reproduced has the same force and effect as if manually affixed and the signature of the chairman or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the financial officer when so engraved, lithographed, printed or otherwise mechanically reproduced shall be deemed the signature of the chairman or other person so authorized to Effect of mechanical reproduction

sign or of the financial officer, as the case may be, and is binding upon the Regional Corporation.

Sufficiency
of signatures

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signatures of the persons provided in this section if such persons had authority to sign and countersign as provided in this section either on the date the Regional Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered. R.S.O. 1970, c. 408, s. 136.

Debentures
on which
payment has
been made
for one year
to be valid

142. Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the Regional Corporation, the by-law and the debentures issued under it are valid and binding upon the Regional Corporation. R.S.O. 1970, c. 408, s. 137.

Mode of
transfer
may be
prescribed

143.—(1) Where a debenture contains or has endorsed upon it a provision to the following effect:

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the financial officer of this Corporation (or by such other person authorized by by-law of this Corporation to endorse such certificate of ownership), transferable except by entry by the financial officer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the

.....
.....
of

the financial officer (or such other persons so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book, to be called the Debenture Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the financial officer.

Requirements as to endorsing certificate of ownership

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in subsection (1), is transferable only by entry by the financial officer (or by such other person so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors. R.S.O. 1970, c. 408, s. 138.

Transfer by entry in Debenture Registry Book

(4) A debenture may be registered as to both principal and interest in which case the interest thereon shall be paid by cheque and the debenture may be referred to as a fully registered debenture.

Registration of debenture as to principal and interest

(5) Where debentures are payable in a currency other than that of Canada, the Regional Council may provide that the Debenture Registry Book of the Regional Corporation in respect of such debentures be maintained outside Canada by a corporation or person other than the treasurer and may make such other provisions for the registration and transfer of such debentures as the Regional Council considers appropriate. 1976, c. 43, s. 34.

When Debenture Registry Book may be maintained outside Canada

144. Where a debenture is defaced, lost or destroyed, the Regional Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide. R.S.O. 1970, c. 408, s. 139.

Replacement of lost debentures

145.—(1) On request of the holder of any debenture issued by the Regional Corporation, the financial officer of the Regional Corporation may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount.

Exchange of debentures

(2) On the request of the sinking fund committee, the financial officer of the Regional Corporation may, as pro-

On request of sinking fund committee

vided in this section, exchange debentures heretofore or hereafter issued by the Regional Corporation.

New
debentures
of same force
and effect as
debentures
surrendered

(3) Any new debenture mentioned in subsection (1) may be registered as to principal and interest but in all other respects shall be of the same force and effect as the debenture or debentures surrendered for exchange.

Debentures
surrendered
for exchange
to be
cancelled

(4) The financial officer and auditor of the Regional Corporation shall cancel and destroy all debentures surrendered for exchange and shall certify in the Debenture Registry Book that they have been cancelled and destroyed and shall also enter in the Debenture Registry Book particulars of any new debenture issued in exchange. R.S.O. 1970, c. 408, s. 140.

Application
of proceeds of
debentures

146.—(1) The moneys received by the Regional Corporation from the sale or hypothecation of any debentures to the extent that such moneys are required for the purposes for which the debentures were issued, and for the repayment of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes.

Idem

(2) None of the moneys received by the Regional Corporation from the sale or hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the Regional Corporation or an area municipality.

Surplus

(3) Where on the sale of any debenture an amount is realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied,

- (a) if any such debentures are redeemable prior to maturity at the option of the Regional Corporation to redeem one or more of the debentures having the latest maturity date; or
- (b) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or
- (c) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

(4) Where on the sale of any debentures a deficiency in the amount required for the purpose or purposes for which the debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes. R.S.O. 1970, c. 408, s. 141.

147. Where real or personal property acquired out of moneys received by the Regional Corporation from the sale or hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied as an excess in accordance with subsection 146 (3) or, with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures issued in respect of the property disposed of or sold. R.S.O. 1970, c. 408, s. 142.

148. When the Regional Corporation intends to borrow money on debentures under this or any other Act, the Regional Council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par. R.S.O. 1970, c. 408, s. 143.

149.—(1) The Regional Council shall,

(a) keep a separate account of every debenture debt;

(b) where the whole of a debenture debt is not payable in the current year, keep in respect thereof,

(i) an additional account for the interest, if any, and

(ii) an additional account for the sinking fund or the instalments of principal,

distinguished from all other accounts by a prefix designating the purpose for which the debenture debt was contracted; and

- (c) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

Consolidated
interest
account

(2) The Regional Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt. R.S.O. 1970, c. 408, s. 144.

Application
of surplus
money

150. If, in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of the principal. R.S.O. 1970, c. 408, s. 145.

Liability of
members

151.—(1) If the Regional Council applies any money raised for a special purpose or collected for a sinking fund in paying current or other expenditure, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Action by
ratepayer

(2) If the Regional Council, upon the request in writing of a ratepayer of any area municipality, refuses or neglects for one month to bring an action therefor, the action may be brought by any such ratepayer on behalf of himself and all other ratepayers in the Regional Area.

Disquali-
fication

(3) The members who vote for such application are disqualified from holding any municipal office for two years. R.S.O. 1970, c. 408, s. 146.

Refinancing
of debentures

152. When, by or under the authority of this Act, the Regional Corporation is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the Regional Corporation may, with the approval of the Municipal Board,

- (a) cancel all such debentures that have not been sold and issue new debentures of the Regional Corporation in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board, for the purposes for which such debentures were issued;
- (b) arrange with the area municipality for the redemption of all such debentures as are redeemable and issue new debentures of the Regional Corporation to raise the moneys required for such redemption; and
- (c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the Regional Corporation to raise the money required to complete such purchase. R.S.O. 1970, c. 408, s. 147.

PART XI

GENERAL

153.—(1) Sections 5, 105, 106, 110, 113, 116, 121, subsection 165 (3), sections 190 and 205, paragraphs 3, 11, 12, 23, 24, 30, 50 and 54 of section 208, subparagraph ii of paragraph 125 of section 210, paragraph 10 of section 315 and Parts XIII, XIV, XV and XIX of the *Municipal Act* apply with necessary modifications to the Regional Corporation. 1979, c. 81, s. 43 (1). Application of
R.S.O. 1980,
c. 302

(2) Sections 10 and 11 and, subject to subsection 2 (6), subsection 14 (2) of the *Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, within the Regional Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature. Erections,
annexations
and amalga-
mations

(3) The Regional Corporation shall be considered to be a local municipality for the purposes of paragraph 134 of section 210 and section 253 of the *Municipal Act*. Nuisances,
entertain-
ment
expenses,
etc.

(4) Notwithstanding any other provision in this Act, the Regional Council may pass by-laws authorizing the head of the department concerned to grant such of the approvals and consents required by subsection 39 (2), subsection 54 (1), subsection 55 (2) and subsection 69 (2) as are designated in the by-law, and any such by-law may prescribe terms and conditions under which any such Delegation
of approvals
or consents

approval or consent may be granted. R.S.O. 1970, c. 408, s. 149 (3-5).

Deemed
municipality
for
R.S.O. 1980,
c. 361

(5) For the purposes of sections 45 and 46 of the *Ontario Water Resources Act*, the Regional Corporation shall be deemed to be a county and the area municipalities shall be deemed to be the local municipalities that form part of the county for municipal purposes and, for the purposes of sections 44 and 47 of the *Ontario Water Resources Act*, the Regional Corporation shall be deemed to be a municipality. 1971, c. 75, s. 7 (1); 1972, c. 1, s. 70 (1).

Application of
R.S.O. 1980,
c. 297

(6) The Regional Corporation shall be deemed to be a municipal corporation for the purposes of section 13 of the *Mortmain and Charitable Uses Act*. 1977, c. 34, s. 15 (2).

Deemed
municipality
for purposes of
R.S.O. 1980,
c. 302

(7) The Regional Corporation shall be deemed to be, and to have always been, a municipality for the purposes of section 311 of the *Municipal Act*. 1979, c. 81, s. 43 (2).

By-laws

(8) Every by-law of a local municipality as it exists on the 31st day of December, 1970, shall remain in force in the area of the former local municipality on and after the 1st day of January, 1971, until repealed by the council of an area municipality as it affects such area municipality. R.S.O. 1970, c. 408, s. 149 (8).

Drain
contractors,
etc., and
plumbers

(9) The Regional Corporation shall be considered to be a local municipality for the purposes of paragraphs 3 and 12 of section 232 of the *Municipal Act*, and no area municipality shall exercise the powers conferred in those paragraphs. 1972, c. 78, s. 19 (1).

Septic tank
cleaning and
pumping

(10) The Regional Council may pass by-laws for licensing, regulating and governing persons who carry on the business of providing septic tank cleaning and pumping services. 1972, c. 78, s. 19 (2).

Emergency
measures,
civil defence

154.—(1) The Regional Council may pass by-laws,

(a) for the establishment and maintenance of an emergency measures civil defence organization in the Regional Area; and

(b) for providing moneys for emergency measures and civil defence, for the purposes of the emergency

measures civil defence organization and for the cost of the operation of such organization, and for other similar work in the Regional Area,

and when a by-law passed under this subsection is in force in the Regional Area, any by-laws passed by the council of an area municipality under subclauses 209 (b) (ii) and (iii) of the *Municipal Act* have no effect.

R.S.O. 1980,
c. 302

(2) When a by-law passed under clause (1) (a) is in force, the Regional Council may pass by-laws,

Powers of
Regional
Council re
emergency
measures

- (a) with the consent of the area municipality or local board concerned, for appointing heads of departments and alternates to be members of or advisors to the emergency measures planning committee or any subcommittee thereof;
- (b) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their emergency functions;
- (c) for appointing members of the emergency measures planning committee or of any subcommittee thereof to be in charge of such departments or utilities throughout the Regional Area, as the by-law may provide, when an emergency has been proclaimed under the *War Measures Act* (Canada);
- (d) for acquiring alternative headquarters for the Regional Government outside the Regional Area;
- (e) for obtaining and distributing emergency materials, equipment and supplies; and
- (f) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack. R.S.O. 1970, c. 408, s. 150.

R.S.C. 1952,
c. 288

155. The Regional Corporation may make expenditures for the purpose of diffusing information respecting the advantages of the regional municipality as an industrial, business, educational, residential or vacation centre. R.S.O. 1970, c. 408, s. 151; 1973, c. 156, s. 8; 1976, c. 43, s. 36.

Expenditures
for diffusing
information

156. Where, in an action or by the settlement of a claim arising out of any injury to an employee, including a member of the York Regional Police Force, or to any person considered an employee for the purposes of the *Workmen's*

Payment of
damages to
employees

R.S.O. 1980,
c. 539

Compensation Act, the Regional Corporation recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or, in the event of his death, to one or more of his dependants upon such terms and conditions as the Regional Corporation may impose. R.S.O. 1970, c. 408, s. 153; 1971, c. 75, s. 8.

Investigation by county judge of charges of malfeasance

157.—(1) Where the Regional Council passes a resolution requesting a judge of the county court within the Regional Area or a judge of the county court of a county or judicial district adjoining the Regional Area, to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the Regional Council, or an officer or employee of the Regional Corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the Regional Corporation, or to inquire into or concerning any matter connected with the good government of the Regional Corporation or the conduct of any part of its public business, including any business conducted by a local board of the Regional Corporation, the judge shall make the inquiry and for that purpose has the powers of a commission under Part II of the *Public Inquiries Act*, which Part applies to the inquiry as if it were an inquiry under that Act, and he shall, with all convenient speed, report to the Regional Council the result of the inquiry and the evidence taken. R.S.O. 1970, c. 408, s. 154 (1); 1971, c. 49, s. 18.

R.S.O. 1980, c. 411

Fees payable to judge

(2) The judge shall be paid by the Regional Corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under the *Judicature Act*.

R.S.O. 1980, c. 223

Engaging counsel

(3) The Regional Council may engage and pay counsel to represent the Regional Corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the Regional Corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel.

Idem

(4) The judge may engage counsel and such other assistants and staff and incur such incidental expenses as he considers advisable for the proper conduct of the investigation or inquiry, and the Regional Corporation shall pay the costs thereof. R.S.O. 1970, c. 408, s. 154 (2-4).

Commission of inquiry

158.—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into any of the affairs of the Regional Corporation or a local board thereof, and any matter connected therewith, and

the commission has the powers of a commission under Part II of the *Public Inquiries Act*, which Part applies to the inquiry as if it were an inquiry under that Act. R.S.O. 1970, c. 408, s. 155 (1); 1971, c. 49, s. 18.

(2) A commission may be recommended at the instance of the Ministry or upon the request in writing of not less than one-third of the members of the Regional Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein. R.S.O. 1970, c. 408, s. 155 (2); 1972, c. 1, s. 1.

(3) The expenses of and incidental to the execution of the commission, including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and are subject to such division between the Regional Corporation and the Province as the Lieutenant Governor in Council may direct. R.S.O. 1970, c. 408, s. 155 (3).

159. The Regional Corporation for its purposes may enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor, but all such highways, lanes and other public communications shall be restored to their original condition without unnecessary delay. R.S.O. 1970, c. 408, s. 156.

160. The Regional Corporation and any area municipality may enter into agreements for the use within any part of the Regional Area of the services of the respective officers, employees and equipment. R.S.O. 1970, c. 408, s. 157.

161.—(1) For the purposes of paragraph 9 of section 3 and section 26 of the *Assessment Act*, the Regional Corporation shall be deemed to be a municipality.

(2) For the purposes of paragraph 9 of section 3 of the *Assessment Act*, where property belonging to the Regional Corporation is occupied by an area municipality or where property belonging to an area municipality is occupied by the Regional Corporation or another area municipality, the occupant shall not be considered to be a tenant or lessee, whether rent is paid for such occupation or not.

(3) In subsection (2), “Regional Corporation” and “area municipality” include a local board thereof. R.S.O. 1970, c. 408, s. 158.

Executions
against
Regional
Corporation

162.—(1) An execution against the Regional Corporation may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following:

1. The sheriff shall deliver a copy of the writ and endorsement to the financial officer of the Regional Corporation, or leave such copy at the office or dwelling place of that officer, with a statement in writing of the sheriff's fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.
2. If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the Regional Council for general purposes are apportioned among the area municipalities, determine the portion of the amount mentioned in the statement that shall be levied against and in each area municipality.
3. The sheriff shall then in like manner as rates struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the execution, and in determining such amount he may make such addition to the same as the sheriff considers sufficient to cover its share of the interest up to the time when the rate will probably be available and his own fees and poundage.
4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality, and shall annex to the precept the roll of such rate and shall by the precept, after reciting the writ and that the Regional Corporation has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect to the general annual rates.
5. If, at the time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he shall add a column thereto, headed "Execution rate in A.B. vs. The Regional Municipality of York (adding a similar column for each execution if more than one), and

shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.

6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same, to the treasurer of the area municipality.

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be considered to be officers of the court out of which the writ issued, and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them. R.S.O. 1970, c. 408, s. 159.

Functions
of clerk,
assessors and
collectors

163.—(1) The Corporation of the County of York is dissolved on the 1st day of January, 1971.

Counties
dissolved

(2) All the assets and liabilities of the County of York become, on the 1st day of January, 1971, the assets and liabilities of the Regional Corporation, and all documents and records kept by the clerk or treasurer or any other officer of the County of York shall be transferred to the officer appointed under section 17. R.S.O. 1970, c. 408, s. 160.

Assets and
liabilities

164.—(1) The Toronto and York Roads Commission is dissolved on the 1st day of January, 1971.

Roads
commission
dissolved

(2) All the assets and liabilities of The Toronto and York Roads Commission become, on the 1st day of January, 1971, the assets and liabilities of the Regional Corporation, and all documents and records kept by any officer of such roads commission shall be transferred to the officer appointed under section 20. R.S.O. 1970, c. 408, s. 161.

Assets and
liabilities

165.—(1) Except as provided in this Act, the Municipal Board, upon the application of any area municipality or the Regional Corporation, may exercise any of the powers under clauses 14 (11) (a) and (d) of the *Municipal Act* in relation to the dissolution of the County of York and The Toronto and York Roads Commission under this Act.

Adjustment
of assets,
etc.

R.S.O. 1980,
c. 302

Disputes

(2) In the event of any doubt as to whether any particular asset or liability is vested in the Regional Corporation under this Act, the Municipal Board upon application has power to determine the matter as sole arbitrator and sections 94 and 95 of the *Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such power. R.S.O. 1970, c. 408, s. 162.

R.S.O. 1980,
c. 347

Conditional
powers

166. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are considered necessary or advisable to carry out effectively the intent and purposes of this Act. R.S.O. 1970, c. 408, s. 163.

Conflict
with other
Acts

167. The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails. R.S.O. 1970, c. 408, s. 164.

Municipal
buildings

168.—(1) The Regional Corporation or an area municipality or the Regional Corporation and one or more area municipalities,

(a) may acquire land for the purpose of constructing municipal buildings; and

(b) may construct municipal buildings for the use of the Regional Corporation or the Regional Corporation and one or more area municipalities or any local board thereof. R.S.O. 1970, c. 408, s. 165 (1).

Buildings
for use of
Children's
Aid Society

(2) The Regional Corporation may construct buildings for the use of The Children's Aid Society of The Regional Municipality of York and may lease land and any buildings so constructed to The Children's Aid Society of The Regional Municipality of York. 1976, c. 70, s. 19.

Application of
R.S.O. 1980,
c. 302, s. 125

(3) Section 125 of the *Municipal Act* applies with necessary modifications to any joint undertaking under this section. R.S.O. 1970, c. 408, s. 165 (2).

Interpre-
tation

169.—(1) In this section, "waste" includes ashes, garbage, refuse, domestic waste or municipal refuse, and such other wastes as may be designated by by-law of the Regional Council.

Waste disposal

(2) On and after the 17th day of June, 1980, the Regional Corporation shall provide facilities for the purpose of receiving, dumping and disposing of waste, and no such facilities shall be provided in the Regional Area by any person or any municipality, including a metropolitan or regional municipality, or by any local

board thereof, without the consent of the Regional Council, which consent may be granted on such terms and conditions including the payment of such compensation as may be agreed upon.

(3) Where the Regional Council refuses its consent under subsection (2), or the applicant therefor and the Regional Council fail to agree on the terms and conditions related to such consent, the applicant may appeal to the Municipal Board who shall hear and determine the matter, and the Board may impose such terms and conditions as the Board considers appropriate and the decision of the Board is final.

Appeal to
O.M.B.

(4) For the purposes of subsection (2), the Regional Corporation may,

Powers
of
Regional
Corporation

- (a) acquire and use land;
- (b) erect, maintain and operate facilities for the purpose of receiving, dumping, treating and disposing of waste;
- (c) contract with Her Majesty in right of Canada, Her Majesty in right of a province, any agency of either of them, an area, regional or metropolitan municipality, or a local board thereof, or any other person for such purposes;
- (d) prohibit or regulate the dumping, treating and disposing of waste, or any class or classes thereof, upon such land; and
- (e) provide standards and regulations for vehicles, or any class or classes thereof, used for the haulage of waste to any waste facility located in the Regional Area.

(5) The Regional Council may pass one or more by-laws to assume as regional waste disposal works any or all such solid waste disposal sites, works, facilities and equipment vested in any area municipality, and upon the passing of any such by-law, the sites, works, facilities and equipment specified therein shall vest in the Regional Corporation.

Vesting of
property in
Regional
Corporation

(6) The Regional Corporation shall pay to the corporation of any area municipality, on or before the due date, all amounts of principal and interest becoming due upon any outstanding debt of such area municipality in respect of the real or personal property assumed by the Regional Corporation under subsection (5).

Payment of
outstanding
debt

(7) If the Regional Corporation fails to make any payment required by subsection (6) on or before the due date, the area municipality may charge the Regional Corporation interest at the rate of 15 per cent per annum thereon, or such lower rate as the

Interest on
late
payment

council of the area municipality determines, from such date until payment is made.

Approval of acquisition of land, etc.

(8) No consent shall be given under subsection (2), no land shall be acquired and no facility shall be operated under subsection (4) and no by-law shall be passed under subsection (5) without,

(a) the approval of the area municipality in which the land is situate, which approval may be granted upon such terms and conditions including the payment of such compensation as may be agreed upon; or

(b) failing such approval or agreement, the approval of the Municipal Board.

Approval of O.M.B.

(9) The Municipal Board, before giving its approval under clause (8) (b), shall hold a public hearing and shall give or cause to be given at least ten days notice of the hearing to the clerk of the municipality concerned and to such other persons in such manner as the Board may direct, and the Board, as a condition of giving any such approval may by its order impose such restrictions, limitations and conditions respecting the acquisition or use of such land as to the Board may appear necessary or expedient.

How cost to be borne

(10) For the purposes of this section, the Regional Council shall, by by-law, prescribe rates or charges for the use of its disposal facilities.

Disposal of sites

(11) When, in the opinion of the Regional Council, land has been used for solid waste disposal and is no longer required by the Regional Corporation for such purpose, the Regional Corporation shall not dispose of such land without first offering such land to the area municipality within which it is located for nominal consideration upon such terms and conditions as the Regional Council may prescribe.

Non-application of by-laws under R.S.O. 1980, c. 302, s. 210, par. 129

(12) A by-law passed under paragraph 129 of section 210 of the *Municipal Act* does not apply to the Regional Corporation.

Routes

(13) The Regional Council may by by-law prescribe one or more routes on specified regional roads to be used by vehicles, or any class or classes thereof, in hauling waste to any waste facility located in the Regional Area, and any such by-law may provide different restrictions by reference to the days and times set forth in the by-law.

Idem

(14) Subject to the approval of the Regional Council, the council of an area municipality may by by-law prescribe one or more routes on specified area municipality roads to be used by vehicles, or any class or classes thereof, in hauling waste to any waste

facility located in such area municipality, and any such by-law may provide different restrictions by reference to the days and times set forth in the by-law. 1980, c. 33, s. 9.

170. The Regional Corporation shall appoint a Regional Fire Co-ordinator who shall be responsible for the establishment of an emergency fire service plan and program for the Regional Area, and the Regional Corporation is authorized to expend such sums as it considers necessary to implement such plan and program. R.S.O. 1970, c. 408, s. 167. Regional
Fire
Co-ordinator

171.—(1) Notwithstanding the other provisions of this Act but subject to subsections (2) and (3), for the purposes of section 109 of the *Highway Traffic Act* the areas in the Regional Area that, on the 31st day of December, 1970, form part of a town, village or township municipality or police village, shall be deemed to continue to form part of a town, village or township municipality or police village. Existing
speed limits
continued
R.S.O. 1980,
c. 198

(2) Notwithstanding subsection (1), the Regional Council and the council of each area municipality may exercise any of its powers under section 109 of the *Highway Traffic Act* in respect of highways under its jurisdiction and control. By-laws of
Regional
Council and
area councils

(3) Every by-law passed by the council of a municipality or by the trustees of a police village under any provision of section 59 of *The Highway Traffic Act*, being chapter 172 of the Revised Statutes of Ontario, 1960, that applied, on the 31st day of December, 1970, to any highway or portion thereof within the Regional Area shall continue to apply thereto until a by-law passed by the Regional Council or the council of an area municipality under section 109 of the *Highway Traffic Act* applies thereto. R.S.O. 1970, c. 408, s. 168. Existing
speed limits
continued

172. The Minister may by order, on the request of any area municipality, dissolve any board of a community recreation centre or board of recreation or park management of the area municipality and transfer the assets and liabilities of such board to the area municipality and may deem the council of the area municipality to be a recreation committee under the *Ministry of Culture and Recreation Act* and the regulations thereunder and a board of a community centre under the *Community Recreation Centres Act*. R.S.O. 1970, c. 408, s. 170; 1972, c. 1, s. 61 (7). Recreation
and parks
manage-
ment board
R.S.O. 1980,
cc. 276, 80

173.—(1) The Regional Council may pass by-laws for acquiring land for and establishing, laying out and improving and maintaining public parks, zoological gardens, recreation areas, squares, avenues, boulevards and drives in the Regional Area and for exercising all or any of the powers that are Acquiring
land for
parks, etc.

R.S.O. 1980,
c. 417

conferred on boards of park management by the *Public Parks Act*.

Sale of
spirituous,
etc., liquors
in parks

R.S.O. 1980,
c. 244

(2) In addition to the powers that may be exercised under subsection (1), the Regional Council has power to let from year to year, or for any time not exceeding ten years, the right to sell, subject to the *Liquor Licence Act*, and the regulations made thereunder, spirituous, fermented or intoxicating liquors within regional parks under such regulations as the Regional Council may prescribe.

Application of
R.S.O. 1980,
c. 302

(3) Paragraph 70 of section 208 of the *Municipal Act* applies with necessary modifications to the Regional Corporation.

Regional
Corporation a
municipality
under
R.S.O. 1980,
c. 367

(4) The Regional Corporation shall be deemed to be a municipality for the purposes of the *Parks Assistance Act*.

Park lands
owned by
conservation
authority

(5) Where, under an agreement with any conservation authority, lands vested in the conservation authority are managed and controlled by the Regional Corporation, the Regional Corporation may,

(a) exercise all or any of the powers conferred on it under subsection (1) in respect of such lands;

(b) lay out, construct and maintain roads on such lands and, with the consent of the area municipality in which such lands, or any part thereof, are situate, assume the maintenance of existing roads on such lands, or any part thereof;

R.S.O. 1980,
c. 198

(c) subject to the *Highway Traffic Act*, regulate traffic on such roads and prescribe the rate of speed for motor vehicles driven on such roads in accordance with subsection 109 (3) of the *Highway Traffic Act*; and

(d) notwithstanding the provisions of any other Act, exempt from municipal taxation any such lands for so long as they are managed and controlled by the Regional Corporation and used for park purposes.

Tax
exemption

R.S.O. 1980,
c. 31

(6) An exemption from taxes under subsection (5) shall be deemed to have the same effect as an exemption from taxes under section 3 of the *Assessment Act*.

(7) The Regional Council may agree to pay annually to the area municipality in which any land used for the purposes set out in subsection (1) is situate a sum not exceeding the amount that would have been payable to the municipality as taxes if the land were not exempt from taxation.

Payment
in lieu
of taxes

(8) The Regional Council shall be deemed to be a recreation committee under the *Ministry of Culture and Recreation Act* and the regulations thereunder and a board of a community recreation centre under the *Community Recreation Centres Act*. 1972, c. 78, s. 20.

Regional
Council
deemed
community
centre board,
etc.
R.S.O. 1980,
cc. 276, 80

174. On and after the 1st day of July, 1975, paragraph 61 of section 208 of the *Municipal Act* applies with necessary modifications to the Regional Council and no area municipality shall exercise any of the powers under that paragraph. 1975, c. 46, s. 10.

Regional
Council
may license
lodging
houses, etc.
R.S.O. 1980,
c. 302

FORM 1

(Section 8 (4))

OATH OF ALLEGIANCE

I,, having been elected (or appointed) as chairman of the council of The Regional Municipality of York, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (or the reigning sovereign for the time being).

Sworn before me, etc.

R.S.O. 1970, c. 408, Form 1.

FORM 2

(Section 8 (4))

DECLARATION OF QUALIFICATION BY CHAIRMAN

I,, having been elected (or appointed) as chairman of the council of The Regional Municipality of York declare that:

1. I am a British subject and am not a citizen or a subject of any foreign country.
2. I am of the full age of eighteen years.
3. I am not an officer, employee or servant of any area municipality or any local board of any area municipality.
4. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.

Declared before me, etc.

R.S.O. 1970, c. 408, Form 2; 1973, c. 156, s. 9.

CHAPTER 444

Registered Insurance Brokers Act

1. In this Act,

Interpre-
tation

- (a) “applicant” means an individual, partnership or corporation that applies for registration under this Act;
- (b) “board of inquiry” means a board of inquiry appointed by the Council;
- (c) “certificate” means a certificate issued under this Act;
- (d) “Complaints Committee” means the Complaints Committee of the Council established under this Act;
- (e) “Council” means the Council of the Registered Insurance Brokers of Ontario;
- (f) “contract” has the same meaning as in the *Insurance Act* but does not include a contract of life insurance as defined in that Act; R.S.O. 1980,
c. 218
- (g) “Corporation” means the body corporate known as the Registered Insurance Brokers of Ontario;
- (h) “Discipline Committee” means the Discipline Committee of the Council established under this Act;
- (i) “incapacitated member” means a member suffering from a physical or mental condition or disorder of a nature and extent making it desirable in the interest of the public or the member that he no longer be permitted to carry on business as a registered insurance broker or that his business be restricted;
- (j) “insurance” has the same meaning as in the *Insurance Act* but does not include life insurance as defined in that Act;
- (k) “insurance agent” means an agent within the meaning of the *Insurance Act*;

- (l) "insurance broker" means any person who for any compensation, commission or other thing of value, with respect to persons or property in Ontario, deals directly with the public and,
 - (i) acts or aids in any manner in soliciting, negotiating or procuring the making of any contract of insurance or reinsurance whether or not he has agreements with insurers allowing him to bind coverage and countersign insurance documents on behalf of insurers, or
 - (ii) provides risk management services including claims assistance where required, or
 - (iii) provides consulting or advisory services with respect to insurance or reinsurance, or
 - (iv) holds himself out as an insurance consultant or examines, appraises, reviews or evaluates any insurance policy, plan or program or makes recommendations or gives advice with regard to any of the above;
- (m) "Manager" means the Manager of the Registered Insurance Brokers of Ontario;
- (n) "member" means an individual, partnership or corporation registered under this Act to carry on business as an insurance broker;
- (o) "Minister" means the Minister of Consumer and Commercial Relations;
- (p) "misconduct" means misconduct as defined in the regulations;
- (q) "person" includes a partnership and an unincorporated association;
- (r) "public" means persons other than insurers, insurance brokers, insurance adjusters and insurance agents;
- (s) "Qualification and Registration Committee" means the Qualification and Registration Committee of the Council established under this Act;

(t) “registered insurance broker” means a person registered under this Act to carry on business as an insurance broker;

(u) “Superintendent” means the Superintendent of Insurance. 1980, c. 62, s. 1.

2.—(1) No person shall act as an insurance broker unless the person is a registered insurance broker under this Act. Prohibition

(2) Subsection (1) does not apply to, Exceptions

(a) lawyers, accountants or actuaries acting in their professional capacity;

(b) an insurance agent licensed under the *Insurance Act*, while acting within the authority of his licence; R.S.O. 1980,
c. 218

(c) an insurance adjuster licensed under the *Insurance Act*, while acting within the authority of his licence;

(d) any individual, partnership or corporation who acts solely as a reinsurance broker;

(e) a person registered under the *Travel Industry Act*, acting in respect of travel accident and sickness, baggage or trip cancellation insurance; R.S.O. 1980,
c. 509

(f) an employee of a person registered under this Act when the employee is acting for or on behalf of his employer engaged solely in the performance of clerical or administrative duties in the office of his employer;

(g) any regular salaried employee of an insured or of a subsidiary or affiliate or corporate insured whose duties in whole or in part are to negotiate for or procure insurance or render other services on behalf of such employer or employers in connection with the procuring or maintaining of insurance on the property or risks of such employer or employers if the employee does not receive compensation, commission or other thing of value from any insurance agent, broker, or insurer for, or in connection with such services;

(h) a trustee appointed under this Act;

(i) an insurer or a subsidiary or an affiliate of an insurer or any employee, officer or director thereof if he is not acting in any manner in soliciting, negotiating or procuring the making of any contract of insurance;

(j) such other persons as are exempted by the regulations. 1980, c. 62, s. 2.

Prohibition

3.—(1) No person shall hold himself or itself out as an insurance broker or as the holder of a certificate under this Act unless the person is the holder of a certificate under this Act.

Use of title

(2) No person shall use the title “registered insurance broker” or the designation “R.I.B. (Ont.)” or other designation representing or similar to the title unless the person is the holder of a certificate as a registered insurance broker under this Act. 1980, c. 62, s. 3.

Corporation continued

4.—(1) The Registered Insurance Brokers of Ontario is continued as a body corporate without share capital with power to acquire, hold, dispose of and otherwise deal with real and personal property for the purposes of this Act.

Objects

(2) The Corporation shall have the general purpose of carrying out the powers and duties conferred on it by this Act. 1980, c. 62, s. 4.

Membership

5.—(1) Every person who is registered by the Corporation is a member of the Corporation.

Resignation of membership

(2) An individual member may resign his membership by filing with the Manager his resignation in writing and his registration is thereupon cancelled subject to the continuing jurisdiction of the Corporation in respect of any disciplinary action arising out of his conduct while a member.

Cancellation for default of fees

(3) The Manager may cancel a registration for non-payment of any prescribed fee after giving the member at least one month notice in writing of the default and intention to cancel the registration subject to the continuing jurisdiction of the Corporation. 1980, c. 62, s. 5.

Council

6.—(1) The Council shall be the governing body and board of directors of the Corporation and shall manage and administer its affairs.

Composition

(2) Subject to the regulations, the Council shall be composed of,

(a) eight persons who are individual members of the Corporation and are elected by the members in the manner provided by the regulations;

(b) three persons who are not members of the Corporation and are appointed by the Lieutenant Governor in Council.

(3) The Lieutenant Governor in Council may, by regulation, vary the size of the Council but at least one-quarter of the members of the Council shall be persons appointed by the Lieutenant Governor in Council who are not members of the Corporation.

Increased
size of
Council

(4) Notwithstanding clause (2) (a), when this Act comes into force, the Lieutenant Governor in Council shall appoint to the Council the eight persons who are individual members of the Corporation for a term of three years, in the case of four of the appointees, and five years, in the case of four of the appointees.

Transition

(5) The appointment of every person appointed under clause (2) (b) shall be for a term not exceeding four years and a person whose appointment expires is eligible for one reappointment. 1980, c. 62, s. 6.

Appointment

7. Every individual member who is,
- Qualif-
cations
to vote
- (a) registered under this Act; and
- (b) not in default of payment of any prescribed fee,

is qualified to vote at an election of members of the Council. 1980, c. 62, s. 7.

8.—(1) The Council shall elect annually a President and one or more Vice-Presidents from among its members.

President
and Vice-
President

(2) The Council shall appoint during pleasure a Manager and such other officers and servants as may from time to time be necessary or desirable in the opinion of the Council to perform the work of the Corporation.

Manager
and
officers

(3) A majority of the members of the Council, including at least one member who is not a member of the Corporation, constitutes a quorum. 1980, c. 62, s. 8.

Quorum

9. The Superintendent shall be deemed to have an interest in the Corporation, as the representative of all persons who may be served by registered insurance brokers, and the Corporation shall, within a reasonable time, furnish the Superintendent with such information and financial statements with respect to the Corporation as the Superintendent may require. 1980, c. 62, s. 9.

Super-
intendent

10.—(1) The Corporation shall, within four months after the termination of each financial year, provide to its members, the

Annual
report of
Corporation

Minister and the Superintendent an annual report relating to its activities in that year including,

- (a) financial statements of the Corporation and the auditor's report thereon;
- (b) a summary of the complaints received against members, categorized by source, type and disposition of the complaint;
- (c) a summary of disciplinary proceedings undertaken against members, categorized by source, type and disposition of the proceedings;
- (d) a summary of the applications for registration and the disposition of the applications;
- (e) membership statistics of the Corporation, categorized by size and type of member;
- (f) an identification of matters of policy currently under review by the Council and of any proposed changes in policies or programs; and
- (g) any other information considered relevant by the Corporation or requested by the Minister or Superintendent.

Annual
report of
Super-
intendent

(2) The Superintendent shall make an annual examination of the affairs of the Corporation and shall report concerning the examination to the Minister and the Minister shall then lay the annual report of the Corporation and the report of the Superintendent before the Assembly if it is in session and, if not, at the next ensuing session. 1980, c. 62, s. 10.

By-laws

11.—(1) The Council may pass by-laws relating to the administrative and domestic affairs of the Corporation not inconsistent with this Act and the regulations and, without limiting the generality of the foregoing,

- (a) prescribing the seal of the Corporation;
- (b) providing for the execution of documents by the Corporation;
- (c) fixing the financial year of the Corporation and providing for the audit of the accounts and transactions of the Corporation;
- (d) providing procedures for the election of President, Vice-Presidents and other officers of the Corporation, the

- filling of a vacancy in those offices, and prescribing their duties;
- (e) respecting the calling, holding and conducting of meetings of the Council and the duties of members of the Council;
- (f) respecting the calling, holding and conducting of meetings of the membership of the Corporation;
- (g) prescribing the remuneration of the members of the Council and committees and providing for the payment of necessary expenses of the Council and committees in the conduct of their business;
- (h) providing for the appointment, composition, powers and duties of the committees of Council as may be required, including the filling of vacancies and the setting of quorums;
- (i) prescribing forms and providing for their use;
- (j) providing procedures for the making, amending and revoking of by-laws;
- (k) respecting management of the property of the Corporation;
- (l) fixing and providing for the payment of annual fees and special assessments by members and fees for certificates and examinations;
- (m) providing for the borrowing of money on the credit of the Corporation and the charging, mortgaging, hypothecating or pledging of any of the real or personal property of the Corporation to secure any money borrowed or other debt or any other obligation or liability of the Corporation;
- (n) respecting the application of the funds of the Corporation and the investment and reinvestment of any of its funds not immediately required in any investments that are from time to time authorized investments for joint stock insurance companies and cash mutual insurance companies under the *Insurance Act*;
- (o) providing for classes of membership and for the designation of and the terms and conditions attaching to each class;

(p) respecting the keeping of records by the Corporation, Council, committees and members;

(q) respecting the duties and authority of the Manager;

(r) respecting all other things that are considered necessary for the attainment of the objects of the Corporation and the efficient conduct of its affairs.

Idem

(2) A copy of the by-laws made under subsection (1) and amendments thereto,

(a) shall be forwarded to the Superintendent; and

(b) shall be available for public inspection in the office of the Corporation.

Signed
by-laws
and
resolutions

(3) Any by-law or resolution signed by all the members of the Council is as valid and effective as if passed at a meeting of the Council duly called, constituted and held for that purpose. 1980, c. 62, s. 11.

Establish-
ment of
committees

12.—(1) The Council shall establish and appoint as herein-after provided the following committees:

(a) a Qualification and Registration Committee;

(b) one or more Complaints Committees;

(c) a Discipline Committee,

and may establish such other or additional committees as the Council from time to time considers necessary.

Panel of
lay persons

(2) The Lieutenant Governor in Council may appoint such number of persons as the Lieutenant Governor in Council considers appropriate who are not members of the Corporation or members of the Council to a panel of lay persons eligible to serve as members of a Complaints Committee and the Discipline Committee.

Term of
appointment

(3) The appointment of every person under subsection (2) shall be for a term not exceeding four years and a person whose appointment expires is eligible for one reappointment. 1980, c. 62, s. 12.

Issuance
of
certificates
of
registration

13.—(1) The Manager shall issue a certificate or renewal thereof to any applicant therefor who is qualified under this Act and the regulations and has passed such examinations as the Council may set or approve and the Manager shall refer to the Qualification and Registration Committee every application for a certificate or renewal thereof that he proposes to refuse.

(2) The Qualification and Registration Committee shall determine the eligibility of applicants for certificates or renewals thereof and may require an applicant to take and pass such additional examinations as the Council may set or approve and pay such fees therefor as the Qualification and Registration Committee fixes or to take such additional training as the Qualification and Registration Committee specifies.

Powers and duties of Qualification and Registration Committee

(3) The Qualification and Registration Committee may direct the Manager to issue or refuse to issue certificates and renewals.

Conditions of certificates

(4) The Qualification and Registration Committee may review the qualifications of any member and may impose a limitation on the member's certificate pending the demonstration of such standard of competence through the completion of such experience, courses of study or continuing education as the Committee specifies.

Review of qualifications

(5) The Manager shall maintain one or more registers in which is entered every person to whom a certificate has been issued identifying the terms of the certificate or the registration and every revocation, suspension, cancellation and expiration or other termination and every renewal of the certificate and such other information as the Qualification and Registration Committee or Discipline Committee directs. 1980, c. 62, s. 13.

Registers

14.—(1) Where the Qualification and Registration Committee proposes to refuse to grant a certificate to an applicant, the Manager on behalf of the Committee shall serve notice of the proposal of the Committee together with written reasons therefor, on the applicant.

Notice of proposal to refuse registration

(2) Subsection (1) does not apply to a refusal to grant a certificate to a person who was previously registered and whose registration was suspended or revoked as a result of a decision of the Discipline Committee.

Exemptions

(3) A notice under subsection (1) shall inform the applicant that he is entitled to a hearing by the Qualification and Registration Committee if he mails or delivers within fifteen days after the notice under subsection (1) is served on him, notice in writing to the Committee requiring a hearing.

Notice requiring hearing or review

(4) Where an applicant does not require a hearing by the Committee in accordance with subsection (3), the Committee may refuse the application.

Powers of Qualification and Registration Committee where hearing or review

(5) The findings of fact of the Committee pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of the *Statutory Powers Procedure Act*.

Findings of fact
R.S.O. 1980, c. 484

Procedures
on hearings

(6) The provisions of subsections 19 (2), (3), (4), (5), (7) and (8) apply with necessary modifications to proceedings before the Committee under this section.

Powers of
Committee
upon hearing
or review

(7) The Committee shall, after the hearing or review,

- (a) confirm the proposed decision; or
- (b) require the applicant to take qualifying examinations or additional training as a condition for registration, or both, as specified by the Committee; or
- (c) direct the Manager to register the applicant on any appropriate register subject to such conditions as the Committee considers appropriate in cases where the Committee finds that the applicant meets the requirements for registration. 1980, c. 62, s. 14.

Complaints
Committee

15.—(1) Each Complaints Committee shall be composed of such number of persons as the Council may determine but at least one member of the Committee shall be a person who is not a member of the Corporation and who is appointed to the Council or to the panel of lay persons by the Lieutenant Governor in Council.

Appointment

(2) The Council may appoint any individual member of the Corporation to a Complaints Committee.

Membership
in other
committees

(3) No person who is a member of the Discipline Committee shall be a member of a Complaints Committee.

Chairman

(4) The Council shall name one member of each Complaints Committee to be chairman of that Committee.

Quorum

(5) A majority of the members of a Complaints Committee constitutes a quorum. 1980, c. 62, s. 15.

Duties

16.—(1) A Complaints Committee shall consider and investigate complaints regarding the conduct or actions of any member of the Corporation, but no action shall be taken by the Committee under clause (2) (a) unless,

- (a) a written complaint has been filed with the Manager and the member whose conduct or actions are being investigated has been notified of the complaint and given at least two weeks in which to submit in writing to the Committee any explanation or representations he may wish to make concerning the matter; and
- (b) the Committee has examined or has made every reasonable effort to examine all records and other documents relating to the complaint.

(2) The Committee in accordance with the information it ^{Idem} receives may,

- (a) direct that the matter be referred, in whole or in part, to the Discipline Committee;
- (b) direct that the matter not be referred under clause (a);
- (c) take such action as it considers appropriate in the circumstances and that is not inconsistent with this Act or the regulations or by-laws. 1980, c. 62, s. 16.

17.—(1) The Discipline Committee shall be composed of such number of persons as the Council may determine but at least four members of the Committee shall be persons who are not members of the Corporation and who are appointed to the Council or to the panel of lay persons by the Lieutenant Governor in Council. ^{Discipline Committee}

(2) The Council may appoint any individual member of the ^{Appointment} Corporation to the Discipline Committee.

(3) The Council shall appoint one of the members of the ^{Chairman} Discipline Committee who is a member of Council to be the chairman of the Committee.

(4) The chairman of the Discipline Committee may assign a panel of five members of the Committee to hold a hearing of whom one shall be a person appointed to the Council or to the panel of lay persons by the Lieutenant Governor in Council and a panel of the Discipline Committee is sufficient to exercise the jurisdiction and powers of the Discipline Committee if a quorum is present. ^{Composition of panels}

(5) Three members of a panel assigned under subsection (4), of whom one shall be a person appointed to the Council or to the panel of lay persons by the Lieutenant Governor in Council, constitute a quorum for a hearing and all disciplinary decisions require the vote of a majority of members of the Discipline Committee presiding at the hearing. ^{Quorum and votes}

(6) Where a panel of the Discipline Committee commences a hearing and the member thereof who is appointed to the Council or to the panel of lay persons by the Lieutenant Governor in Council becomes unable to continue to act, the remaining members may complete the hearing notwithstanding his absence. ^{Disability of lay member}

(7) The Council may direct the Discipline Committee to hold a hearing and determine any specified allegation of misconduct or incompetence on the part of a member. 1980, c. 62, s. 17. ^{Reference by Council}

Duties of
Discipline
Committee

18.—(1) The Discipline Committee shall,

- (a) when so directed by the Council or by a Complaints Committee, hear and determine allegations of misconduct or incompetence against any member;
- (b) hear and determine matters referred to it under sections 16 and 22; and
- (c) perform such other duties as are assigned to it by the Council.

Idem

(2) In the case of hearings into allegations of misconduct or incompetence, the Discipline Committee shall,

- (a) consider the allegations, hear the evidence and ascertain the facts of the case;
- (b) determine whether upon the evidence and the facts so ascertained the allegations have been proved;
- (c) determine whether in respect of the allegations so proved the member is guilty of misconduct or incompetence;
- (d) determine the penalty to be imposed as hereinafter provided in cases in which it finds the member guilty of misconduct or of incompetence.

Misconduct

(3) A member may be found guilty of misconduct by the Committee if,

- (a) the member has been found guilty of an offence relevant to the member's suitability to carry on business as a registered insurance broker upon proof of such conviction; or
- (b) the member has been guilty in the opinion of the Discipline Committee of misconduct as defined in the regulations.

Incompetence

(4) The Discipline Committee may find a member to be incompetent if in its opinion the member has, while acting as an insurance broker, displayed a serious lack of knowledge, skill or judgment or a serious disregard for the welfare of a member of the public.

Powers of
Discipline
Committee

(5) Where the Discipline Committee finds a member guilty of misconduct or incompetence it may by order,

- (a) revoke the certificate of the member;
- (b) suspend the certificate of the member for a stated period;
- (c) impose such restrictions on the certificate of the member for such a period and subject to such conditions as the Committee designates;

- (d) reprimand the member and, if deemed warranted, direct that the fact of such reprimand be recorded on the register;
- (e) impose such fine as the Committee considers appropriate to a maximum amount prescribed in the regulations to be paid by the member to the Treasurer of Ontario for payment into the Consolidated Revenue Fund;
- (f) direct that the imposition of a penalty be suspended or postponed for such period and upon such terms as the Committee designates;
- (g) impose a requirement that the member reimburse any person who made a complaint against the member for any costs incurred by such person in the proceedings,

or any combination thereof.

(6) Where the Discipline Committee is of the opinion that the commencement of the proceedings was unwarranted, the Committee may order that the Corporation reimburse the member for his costs or such portion thereof as the Discipline Committee fixes. Costs

(7) Where the Discipline Committee revokes, suspends or restricts the certificate of a member on the grounds of misconduct or incompetence, the decision takes effect immediately notwithstanding that an appeal is taken from the decision unless the court to which the appeal is taken orders otherwise. Stay

(8) Where the Discipline Committee finds a member guilty of misconduct or incompetence, a copy of the decision shall be served upon the person complaining in respect of the conduct or action of the member. Service of decision of Discipline Committee

(9) Where a proceeding is commenced before the Discipline Committee and the term of office on the Council or on the Committee of a member sitting for the hearing expires or is terminated before the proceeding is disposed of but after evidence has been heard, the member shall be deemed to remain a member of the Discipline Committee for the purpose of completing the disposition of the proceeding in the same manner as if his term of office had not expired or been terminated. 1980, c. 62, s. 18. Continuation on expiry of Committee membership

19.—(1) In proceedings before the Discipline Committee, the Corporation and the member of the Corporation whose conduct is being investigated in the proceedings are parties to the proceedings. Parties to discipline proceedings

(2) A member whose conduct is being investigated in proceedings before the Discipline Committee shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing. Examination of documentary evidence

Members holding hearing not to have taken part in investigation, etc.

(3) Members of the Discipline Committee holding a hearing shall not have taken part before the hearing in any investigation of the subject-matter of the hearing other than as a member of the Council considering the referral of the matter to the Discipline Committee or at a previous hearing of the Committee, and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate.

In camera
R.S.O. 1980,
c. 484

(4) Notwithstanding anything in the *Statutory Powers Procedure Act*, hearings of the Discipline Committee shall be held *in camera*, but, if the person whose conduct is being investigated requests otherwise by a notice delivered to the Manager before the day fixed for the hearing, the Committee shall conduct the hearing in public except where,

- (a) matters involving public security may be disclosed; or
- (b) the possible disclosure of intimate financial or personal matters outweighs the desirability of holding the hearing in public.

Recording of evidence

(5) The oral evidence taken before the Discipline Committee shall be recorded and, if so required, copies or a transcript thereof shall be furnished to the parties at their own cost.

Evidence

(6) Notwithstanding the *Statutory Powers Procedure Act*, nothing is admissible in evidence before the Discipline Committee that would be inadmissible in a court in a civil case and the findings of the Discipline Committee shall be based exclusively on evidence admitted before it.

Only members at hearing to participate in decision

(7) No member of the Discipline Committee shall participate in a decision of the Committee pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties.

Release of documentary evidence

(8) Documents and things put in evidence at a hearing of the Discipline Committee shall, upon the request of the person who produced them, be released to him by the Committee within a reasonable time after the matter in issue has been finally determined. 1980, c. 62, s. 19.

Reference to board of inquiry

20.—(1) Where the Manager receives information leading him to believe that a member may be an incapacitated member, he shall make such inquiry as he considers appropriate and report to the Council who may, upon notice to the member, appoint a board of inquiry composed of at least two members of the Corporation and one member of the Council appointed thereto by the Lieutenant Governor in Council who shall inquire into the matter.

Examination

(2) The board of inquiry shall make such inquiries as it considers appropriate and may require the member to submit to physical

or mental examination by such qualified person as the board designates and if the member refuses or fails to submit to such examination the board may order that his certificate be suspended until he complies.

(3) The board of inquiry shall report its findings to the Council and deliver a copy thereof and a copy of any medical report obtained under subsection (2) to the member about whom the report is made and if, in the opinion of the Council, the evidence so warrants, the Council shall refer the matter to the Qualification and Registration Committee to hold a hearing and may suspend the member's certificate until the determination of the question of his capacity becomes final.

Hearing by
Qualification
and
Registration
Committee

(4) The Corporation, the person whose capacity is being investigated and any other person specified by the Qualification and Registration Committee are parties to a proceeding under this section.

Parties

(5) A legally qualified medical practitioner is not compellable to produce at the hearing his case histories, notes or any other records constituting medical evidence but, when required to give evidence, shall prepare a report containing the medical facts, findings, conclusions and treatment and such report shall be signed by him and served upon the other parties to the proceeding,

Medical
evidence

- (a) where the evidence is required by the Corporation, at least five days before the hearing commences; and
- (b) where the evidence is required by the person about whom the report is made, at least five days before its introduction as evidence,

and the report is receivable in evidence without proof of its making or of the signature of the legally qualified medical practitioner making the report but a party who is not tendering the report as evidence has the right to summon and cross-examine the medical practitioner on the contents of the report.

(6) The Qualification and Registration Committee shall, after the hearing,

Powers of
Qualification
and
Registration
Committee

- (a) make a finding as to whether or not the member is an incapacitated member; and
- (b) where the member is found to be an incapacitated member, by order,
 - (i) revoke his certificate,

- (ii) suspend his certificate for such period as the Committee considers appropriate, or
- (iii) attach such terms and conditions to the certificate as the Committee considers appropriate. 1980, c. 62, s. 20.

Appeal to
court

21.—(1) Any party to proceedings before the Discipline Committee or the Qualification and Registration Committee may appeal from its decision or order to the Divisional Court.

Powers of
court on
appeal

(2) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the decision of the Committee appealed from and may exercise all powers of the Committee and may direct the Committee or the Corporation to take any action which the Committee or the Corporation may take and as the court considers proper, and for such purposes the court may substitute its opinion for that of the Committee, or the court may refer the matter back to the Committee for rehearing, in whole or in part, in accordance with such directions as the court considers proper. 1980, c. 62, s. 21.

Restoration
of regis-
tration or
certificate

22.—(1) A person whose certificate has been revoked or suspended for cause under this Act may apply at any time in writing to the Manager for the issuance of a certificate or removal of the suspension.

Reference
to
Discipline
Committee

(2) The Manager shall refer the application to the Discipline Committee or, where the revocation or suspension was on the grounds of incapacity, to the Qualification and Registration Committee, which shall hold a hearing and decide upon the application, and shall report its decision and reasons to the Council and to the former member. 1980, c. 62, s. 22.

Restraining
orders

23.—(1) Where it appears to the Corporation that a person does not comply with a provision of this Act or the regulations, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights it may have, the Corporation may apply to a judge of the Supreme Court for an order directing such person to comply with such provision, and upon the application the judge may make such order or such other order as the judge thinks fit.

Appeal

(2) An appeal lies to the Divisional Court from an order made under subsection (1). 1980, c. 62, s. 23.

Stop-
orders

24.—(1) Where the Corporation made a *prima facie* case that a member has been or may be guilty of misconduct in connection with any property in his possession or under his control, a judge of the Supreme Court may, upon an *ex parte* application by the Corporation, order that the property described in the order shall

not be paid out or dealt with by the person or persons named in the order without the leave of a judge of the Supreme Court.

(2) Where the Corporation makes a *prima facie* case that the business of a member or former member is neglected to the prejudice of any person or that the interests of the clients of the member or former member are not being protected or that the member or former member has converted trust funds, a judge of the Supreme Court may, upon *ex parte* application by the Corporation, by order appoint a person as trustee with or without bond, to take possession of any property or undertaking in the possession of or under the control of the member or former member for the purpose of preserving, carrying on or winding up the business of the member or former member. Appointment of trustee

(3) A person appointed under subsection (2) shall, in respect of any trust property of the member or former member, be the trustee thereof, and he shall in respect thereof take the place of a personal representative, committee or other representative, if any, of the member or former member. Idem

(4) Any person may apply to a judge of the Supreme Court for an order varying or discharging any order made under subsection (1) or (2). Variation, discharge of order

(5) The judge may, in an order made under subsection (2), make provision for the remuneration, disbursements and indemnification of the trustee out of such moneys or otherwise as the judge may specify. 1980, c. 62, s. 24. Remuneration

25.—(1) Where the Manager, or in his absence, a person designated by the Manager, believes on reasonable and probable grounds that a member has committed an act of misconduct or incompetence, the Manager or the Manager's designate may by order appoint one or more persons to make an investigation to ascertain whether such an act has occurred, and the person appointed shall report the result of his investigation to the Manager or the Manager's designate. Investigation of members

(2) Where the Manager or the Manager's designate appoints persons to make an investigation to ascertain whether a member has committed an act of misconduct or incompetence involving trust funds, the persons appointed shall include two persons representing the insurers for whom funds were or ought to have been held in trust. Idem

(3) For purposes relevant to the subject-matter of an investigation under this section, a person appointed to make the investigation may inquire into and examine the practice of the member in respect of whom the investigation is being made and may, upon Powers of investigator

production of his appointment, enter at any reasonable time the business premises of such person and examine books, records, documents and things relevant to the subject-matter of the investigation, and for the purposes of the inquiry, the person making the investigation has the powers of a commission under Part II of the *Public Inquiries Act*, which Part applies to such inquiry as if it were an inquiry under that Act.

R.S.O. 1980,
c. 411

Obstruction
of
investigator

(4) No person shall obstruct a person appointed to make an investigation under this section or withhold from him or conceal or destroy any books, records, documents or things relevant to the subject-matter of the investigation.

Search
warrant

(5) Where a justice of the peace is satisfied, upon an *ex parte* application by a person making an investigation under this section, that the investigation has been ordered and that such person has been appointed to make it and that there is reasonable ground for believing there are in any building, dwelling, receptacle or place any books, records, documents or things relating to the person whose affairs are being investigated and to the subject-matter of the investigation, the justice of the peace may, whether or not an inspection has been made or attempted under subsection (3), issue an order authorizing the person making the investigation, together with such police officer or officers as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for such books, records, documents or things and to examine them, but every such entry and search shall be made between sunrise and sunset unless the justice of the peace, by the order, authorizes the person making the investigation to make the search at night.

Removal of
books, etc.

(6) Any person making an investigation under this section may, upon giving a receipt therefor, remove any books, records, documents or things examined under subsection (3) or (5) relating to the member whose practice is being investigated and to the subject-matter of the investigation for the purpose of making copies of such books, records or documents, but such copying shall be carried out with reasonable dispatch and the books, records or documents in question shall be promptly thereafter returned to the member whose practice is being investigated.

Admissi-
bility
of copies

(7) Any copy made as provided in subsection (6) and certified to be a true copy by a person making the investigation is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original book, record or document and its contents.

Report of
Manager

(8) The Manager shall report the results of the investigation to the Council or such other committee as he considers appropriate. 1980, c. 62, s. 25.

26.—(1) Every person employed in the administration of this Act, including any person making an inquiry or investigation under section 25 and any member of the Council or a Committee, shall preserve secrecy with respect to all matters that come to his knowledge in the course of his duties, employment, inquiry or investigation under section 25 and shall not communicate any such matters to any other person except,

Matters
confidential

- (a) as may be required in connection with the administration of this Act and the regulations and by-laws or any proceedings under this Act or the regulations;
- (b) to his counsel; or
- (c) with the consent of the person to whom the information relates.

(2) No person to whom subsection (1) applies shall be required to give testimony in any civil suit or proceeding with regard to information obtained by him in the course of his duties, employment, inquiry or investigation except in a proceeding under this Act or the regulations or by-laws.

Testimony
in civil
suit

(3) Any information, document, record, statement or thing made or disclosed to the Manager, the Council or a committee of Council concerning a member or a person applying for registration under this Act is privileged and shall not be used as evidence in any civil action or proceeding in any court brought by or on behalf of such member or person. 1980, c. 62, s. 26.

Privileged
information

27.—(1) No certificate shall be issued to a corporation that acts as an insurance broker if the majority of its issued and outstanding shares that entitle the holder to any voting rights are owned beneficially or otherwise by a non-resident of Canada as defined in subsection 357 (4) of the *Insurance Act* unless the corporation was licensed as a broker under the *Insurance Act* on the 27th day of April, 1972.

Prohibition
re: non-
residents

R.S.O. 1980,
c. 218

(2) A corporation that was licensed as an insurance broker on or before the 27th day of April, 1972, and whose issued shares entitling the holders thereof to voting rights were more than 50 per cent owned, as of that date, beneficially or otherwise, by one or more non-residents of Canada is not entitled to continue to hold a certificate under this Act if it amalgamates, unites, merges, acquires the assets or business of, or acquires the shares of any other broker or a licensed agent or adjuster. 1980, c. 62, s. 27.

Prohibition
of a non-
resident to
amalgamate

28.—(1) Every member shall maintain a mailing address in Ontario, which address shall be suitable to permit service by registered mail, and shall register the mailing address with the Manager.

Mailing
address

Personal
service

(2) Any legal process and any notice or document served personally or served by registered mail at the mailing address registered with the Manager shall be deemed for all purposes to have been served personally upon the member.

Deemed
resident

(3) For the purpose of any civil action brought against a member, the member shall be deemed to be a resident of the county in which the mailing address is located. 1980, c. 62, s. 28.

Service of
notice

29.—(1) Subject to section 28, any notice or document required by this Act to be served may be served personally or by prepaid first class mail addressed to the person to whom notice is to be given at his last known address and, where notice is served by mail, the service shall be deemed to have been made on the fifth day after the day of mailing unless the person to whom notice is given establishes that he, acting in good faith, through absence, accident, illness or other cause beyond his control, did not receive the notice, or did not receive the notice until a later date.

Idem

(2) For a period of one year after the date on which a former member ceased to be a member of the Corporation, the mailing address of the former member registered with the Manager under section 28 shall be deemed to be the former member's last known address unless the former member registers a new mailing address with the Manager.

Administer-
ing oaths

(3) Every member of the Qualification and Registration Committee, the Discipline Committee and each Complaints Committee has power to administer oaths and affirmations for the purposes of any of its proceedings. 1980, c. 62, s. 29.

Registrar's
certificate
as evidence

30. Any statement containing information from the records required to be kept by the Manager under this Act, purporting to be certified by the Manager under the seal of the Corporation is admissible in evidence in all courts as *prima facie* proof of the facts stated therein without proof of the appointment or signature of the Manager and without proof of the seal. 1980, c. 62, s. 30.

Corporation,
Council and
committees

31. No action or other proceeding for damages shall be instituted against the Corporation, the Council, a Committee or any member of the Council or committee, or any officers, servants, agents or appointees of the Corporation, for any act done in good faith in the performance or intended performance of any duty or in the exercise or the intended exercise of any power under this Act, a regulation or a by-law, or for any neglect or default in the performance or exercise in good faith of such duty or power. 1980, c. 62, s. 31.

Trust
funds

32.—(1) All funds received or receivable by a member in the course of his business on behalf of insurers from members of the public or on behalf of members of the public from insurers are deemed to be trust funds.

(2) No member shall assign, pledge, hypothecate or mortgage ^{Idem} or in any way charge the funds referred to in subsection (1) whether or not such funds have been received or remain receivable.

(3) Any assignment, pledge, hypothecation, mortgage or other ^{Idem} charge of or on funds referred to in subsection (1) is null and void as against the beneficial owner of the funds. 1980, c. 62, s. 32.

33.—(1) No person shall make or cause to be made any wilful falsification in any matter relating to a register or issue a false certificate or document with respect to registration. ^{Falsification of certificates}

(2) No person shall wilfully procure or attempt to procure himself or any other person to be registered under this Act by knowingly making any false representation or declaration or by making any fraudulent representation or declaration, either orally or in writing. 1980, c. 62, s. 33. ^{False representations, etc.}

34.—(1) Every person who contravenes any provision of this Act and every director or officer of a corporation or unincorporated association and every member of a partnership who knowingly concur in such contravention is guilty of an offence and on conviction is liable to a fine of \$5,000 or to imprisonment for a term of not more than six months, or to both. ^{Offence}

(2) Where a corporation is convicted of an offence under subsection (1), the maximum penalty that may be imposed upon the corporation is \$25,000 and not as provided therein. ^{Corporation}

(3) No proceeding under this section shall be commenced more than five years after the time when the subject-matter of the proceeding arose. 1980, c. 62, s. 34. ^{Limitation period}

35. The Lieutenant Governor in Council may make regulations, ^{Regulations}

- (a) respecting and governing the nomination, election and term of office of the members to be elected to the Council, the filling of vacancies on the Council and controverted elections;
- (b) governing the size and composition of the Council;
- (c) respecting any matter ancillary to the provisions of this Act with regard to the issuing, renewal, suspension and revocation of certificates;
- (d) providing for the expiration of certificates and governing and establishing the requirements and qualifications for the issuing and renewal of certificates;

- (e) providing for the maintenance and inspection of registers;
- (f) governing standards of practice for registered insurance brokers;
- (g) defining misconduct for the purposes of this Act and providing for a code of conduct;
- (h) providing for a program for the continuing education of members to maintain their standard of competence and requiring members to participate in such continuing education;
- (i) respecting the reporting and publication of decisions in disciplinary matters;
- (j) providing for the compilation of statistical information on the supply, distribution and business activities of members and requiring members to provide the information necessary to compile such statistics;
- (k) respecting returns, reports, information or disclosure to be provided or made by members to the Corporation, the Superintendent, members of the public or any other person or persons;
- (l) fixing maximum fines that may be imposed upon members found guilty of misconduct;
- (m) establishing rules of practice and procedure for hearings held under this Act;
- (n) respecting trust funds and the keeping of trust accounts by members;
- (o) respecting the reporting and auditing of members' accounts and specifying the type and nature thereof;
- (p) requiring the filing of financial guarantees by members of the Corporation and respecting the collateral security for terms, conditions and form of financial guarantees;
- (q) establishing and governing minimum indemnity insurance requirements for members and requiring and respecting errors and omissions insurance;
- (r) establishing and governing minimum equity capitalization requirements for members;

- (s) establishing and respecting restrictions and limitations on the sale and ownership of insurance brokers and the businesses of insurance brokers;
- (t) prescribing forms and providing for their use;
- (u) exempting any person or group of persons from all or part of the provisions of this Act and the regulations subject to such terms and conditions as may be set out in the regulations. 1980, c. 62, s. 35.

36.—(1) Notwithstanding any other provision of this Act, a person holding a valid licence as an insurance agent or an insurance broker under the *Insurance Act* issued before the day on which this section comes into force, who is an insurance broker within the meaning of insurance broker contained in this Act, shall be deemed to be a registered insurance broker under this Act and the person shall be so registered as a member by the Manager.

Transition

R.S.O. 1980,
c. 218

(2) Where the word “agency” or “agencies” appears in the name of a corporation that is an insurance broker, the corporation shall amend its articles of incorporation or other instrument by which the corporation is incorporated by deleting the word “agency” or “agencies” and substituting the word “broker” or “brokers”, as the case may be, within six months after the day on which this section comes into force.

Change of
name

(3) A corporation incorporated by or under the authority of the Legislature may change its name under subsection (2) by filing a notice with the Minister in the form prescribed by the regulations, and on the date of such filing, the name of the corporation is changed and its articles of incorporation are amended accordingly.

Idem

(4) Notwithstanding any other provision of this Act, a person who has carried on business as an insurance consultant for a period of five years before the day on which this Act comes into force and who complies with this Act and the regulations is entitled, upon application made within two months of the day on which this Act comes into force, to become a registered insurance broker and the person shall be so registered as a member by the Manager. 1980, c. 62, s. 36.

Idem

37. This Act does not come into force until a day to be named by proclamation of the Lieutenant Governor. 1980, c. 62, s. 46.

Commence-
ment

CHAPTER 445

Registry Act

1. In this Act,

Interpre-
tation

- (a) “certificate of amalgamation of loan corporations” includes a copy certified under the hand of the Registrar of Loan and Trust Corporations of the certificate of assent and declaration referred to in section 139 of the *Loan and Trust Corporations Act* and of any document mentioned in such certificate and a certificate issued for the purpose of registration under any Act of the Legislature authorizing or ratifying an agreement for the purchase and sale of the assets, or for the amalgamation of loan corporations; R.S.O. 1980,
c. 249
- (b) “certification area” means an area of land designated as such by regulation;
- (c) “Director” means the Director of Land Registration appointed under section 6;
- (d) “Director of Titles” means the Director of Titles appointed under section 9 of the *Land Titles Act*; R.S.O. 1980,
c. 230
- (e) “examiner of surveys” means the examiner of surveys appointed under section 13 of the *Land Titles Act*;
- (f) “instrument” includes every instrument whereby title to land in Ontario may be transferred, disposed of, charged, encumbered or affected in any other way, and, without limiting the generality of the foregoing, includes any instrument mentioned in subsection 18 (6) and a Crown grant of Canada and of Ontario, a deed, conveyance, mortgage, assignment of mortgage, certificate of discharge of mortgage, assurance, lease, release, discharge, agreement for the sale or purchase of land, caution under the *Estates Administration Act* or renewal or withdrawal thereof, municipal by-law, certificate of proceedings in any court, judgment or order of foreclosure and every other certificate of judgment or order of any court affecting any interest in or title to land, and a certificate of payment of taxes granted under the corpo- R.S.O. 1980,
c. 143

rate seal of any municipality by the treasurer, a sheriff's and treasurer's deed of land sold by virtue of his office, a contract in writing, every order and proceeding in bankruptcy and insolvency, a plan of a survey or subdivision of land, and every notice, caution and other instrument registered in compliance with an Act of Canada or Ontario;

- (g) "land" means land, tenements, hereditaments and appurtenances and any estate or interest therein;
- (h) "land registrar" means a land registrar appointed under section 8;
- (i) "letters probate" includes letters testamentary or a similar grant based on a will proven before a court having jurisdiction in probate matters outside Ontario;
- (j) "local description" means a description of land drawn in accordance with the regulations;
- (k) "Minister" means the Minister of Consumer and Commercial Relations;
- (l) "notarial" includes prothonotarial;
- (m) "photographic film" includes any photographic plate, microphotographic film or photocopy negative;
- (n) "plan of subdivision" means a plan by which the owner of land divides the land into areas designated on the plan, but does not include a plan under the *Cemeteries Act* or the *Expropriations Act* or any predecessor of such Acts;
- (o) "prescribed" means prescribed by this Act or the regulations;
- (p) "registered" means registered under this Act;
- (q) "regulations" means the regulations made under this Act;
- (r) "surveyor" means a member of the Association of Ontario Land Surveyors who is authorized under the *Surveyors Act* to engage in the practice of professional land surveying in Ontario;

- (s) "will" means a will as defined in the *Succession Law Reform Act*. R.S.O. 1970, c. 409, s. 1; 1972, c. 1, s. 54 (1); 1978, c. 8, s. 1; 1979, c. 94, s. 1. R.S.O. 1980,
c. 488

2. The Minister of Consumer and Commercial Relations is responsible for the administration of this Act. 1972, c. 1, s. 54 (2). Minister
responsible

PART I

ORGANIZATION AND ADMINISTRATION

3. Subject to the *Land Titles Act*, after a certificate of the first registration of the owner under that Act has been registered as prescribed by that Act, this Act ceases to apply to the land mentioned in the certificate. R.S.O. 1970, c. 409, s. 3. Application
of
R.S.O. 1980,
c. 230

4.—(1) Subject to the provisions of this Act and except where otherwise expressly provided in any general or special Act or Order in Council, the registry divisions as they existed on the 14th day of April, 1925, are the registry divisions of the Province of Ontario for the purposes of this Act and no alteration in the boundaries of any riding, electoral district or municipality alters or affects the boundaries of any registry division. R.S.O. 1970, c. 409, s. 4 (1). Change of
boundaries
of ridings
not to affect
registry
divisions

(2) The Lieutenant Governor in Council may, by regulation, Changes in
registry
divisions

- (a) combine two registry divisions into one registry division;
- (b) divide a registry division into two or more registry divisions;
- (c) annex a part of a registry division to an adjoining registry division;
- (d) annex to a registry division land that is not part of any registry division; or
- (e) designate the names by which registry divisions shall be known,

but there shall be at least one land registry office for each county, regional municipality and provisional judicial district. R.S.O. 1970, c. 409, s. 4 (2); 1972, c. 133, s. 2.

Location
of registry
office

5.—(1) Subject to subsection (2), the land registry office for each registry division shall be located within the registry division. 1972, c. 133, s. 3, *part*.

Idem

(2) Notwithstanding subsection (1), the land registry office for the registry division of Toronto Boroughs may continue to be located in Toronto. 1979, c. 94, s. 2.

Director
of Land
Registration

6.—(1) The Lieutenant Governor in Council may appoint a barrister and solicitor to be the Director of Land Registration.

Duties

(2) The Director of Land Registration has general supervision and control over land registry offices and the system for registration therein.

Seal

(3) The Director of Land Registration shall have a seal of office in such form as the Lieutenant Governor in Council approves. R.S.O. 1970, c. 409, s. 6.

Deputy
Directors

7.—(1) The Director of Land Registration may appoint one or more Deputy Directors of Land Registration.

Senior
Deputy
Director
of Land
Registration

(2) Where the Director of Land Registration has more than one deputy, he shall designate one of the deputies as the Senior Deputy Director of Land Registration.

Powers and
duties

(3) A Deputy Director of Land Registration has and may exercise such powers and perform such duties of the Director of Land Registration under this or any other Act as are required by the Director of Land Registration.

Director of
Titles

R.S.O. 1980,
c. 230

(4) In addition to Deputy Directors of Land Registration appointed under subsection (1), the Director of Titles appointed under the *Land Titles Act* is, *ex officio*, a Deputy Director of Land Registration for the purposes of exercising the powers and performing the duties of a Deputy Director of Land Registration under this Act.

Powers and
duties

(5) Where the office of Director of Land Registration becomes vacant,

(a) the Deputy Director of Land Registration; or

(b) if there is more than one Deputy Director of Land Registration, the Senior Deputy Director of Land Registration,

may exercise the powers and shall perform the duties of the Director of Land Registration until a Director of Land Registration is appointed. 1979, c. 94, s. 3.

LAND REGISTRARS

8.—(1) There shall be a land registrar for every registry division who shall be appointed by the Lieutenant Governor in Council and shall hold office during pleasure. R.S.O. 1970, c. 409, s. 8; 1972, c. 133, s. 5 (1). Land registrars, appointment

(2) There shall be at least one deputy land registrar for every registry division, and, where there is more than one deputy land registrar for a registry division, one of the deputies shall be designated as the senior deputy land registrar. Land registrars and deputy land registrars

(3) The deputy land registrars and such other employees as are considered necessary for the administration of this Act shall be appointed under the *Public Service Act*. 1979, c. 94, s. 4. Appointments under R.S.O. 1980, c. 418

(4) A deputy land registrar appointed under the *Public Service Act* shall act under the direction of the land registrar and when so acting may exercise the powers and perform the duties of a land registrar. Powers and duties of deputy land registrars

(5) A land registrar may appoint one or more assistant deputy land registrars who may exercise such of the powers and perform such of the duties of the land registrar in respect of his registry division as are specified in writing by the land registrar. 1980, c. 50, s. 1. Appointment of assistant deputy land registrars

9. Every land registrar shall have a seal of office to be approved of by the Director. R.S.O. 1970, c. 409, s. 9; 1979, c. 94, s. 47 (1). Land registrar's seal

10. Where the office of land registrar becomes vacant, Temporary land registrar

(a) the deputy land registrar; or

(b) if there is more than one deputy land registrar, the senior deputy land registrar; or

(c) if there is no deputy land registrar, a person employed in a land registry office and designated by the Director,

may exercise the powers and shall perform the duties of the land registrar until a land registrar is appointed. R.S.O. 1970, c. 409, s. 10 (3); 1979, c. 94, s. 47 (1).

Oath of
office,
land
registrar

11. Every land registrar, before he enters on the duties of his office, shall take and subscribe an oath in the prescribed form, which shall be transmitted by him to the Director. 1979, c. 94, s. 6, *part*.

Work in
registry
office to be
supervised
by land
registrar

12. The work of the office shall be conducted and carried on under the direction and immediate supervision of the land registrar. R.S.O. 1970, c. 409, s. 13; 1979, c. 94, s. 47 (1).

Land
registry
offices

13.—(1) Every registry office, including every combined registry and land titles office, shall be known as a land registry office.

Registry
system

(2) The system of registration under this Act shall be known as the registry system. 1972, c. 133, s. 7.

Holiday
defined

14.—(1) In this section, "holiday" means,

(a) Saturday;

(b) Sunday;

(c) a day that is a holiday for civil servants as prescribed by the regulations under the *Public Service Act*. 1972, c. 133, s. 8.

R.S.O. 1980,
c. 418

Office
hours

(2) Except on holidays when they shall be closed, every land registry office shall be kept open during such hours as are prescribed and no instrument shall be received for registration except within such hours as are prescribed. 1979, c. 94, s. 7.

Abstracts

15.—(1) Upon receipt of a request thereof and the prescribed fee, a land registrar shall furnish an abstract in the prescribed form containing such information as is prescribed in respect of any land that is in his registry division. 1980, c. 50, s. 2.

Effect of
abstract

(2) An abstract furnished by a land registrar under this section is *prima facie* evidence of the registration of the instruments of which extracts are included in the abstract. R.S.O. 1970, c. 409, s. 15 (7); 1979, c. 94, s. 47 (1).

Production
of instru-
ments, etc.,
copies

16.—(1) Upon receipt of a request in writing and the prescribed fees, a land registrar,

(a) shall produce for inspection in his office during office hours any instrument registered in his office or any book of the office relating to any such instrument; and

- (b) shall supply a copy of the whole or a part of any instrument registered in his office. R.S.O. 1970, c. 409, s. 16; 1979, c. 94, s. 47 (1).

(2) Where a land registrar is unable to produce an instrument or book that is copied on microfilm, he shall produce the microfilm copy for inspection. 1980, c. 50, s. 3. Microfilm copy

17.—(1) On request of any person, the land registrar shall furnish a certified copy, under his hand and seal of office, of any instrument or memorial deposited, registered, or filed and kept in his office. Land registrar to furnish certified copies

(2) A judge of a court in Ontario may, for the purposes of a hearing, order a land registrar to produce any instrument or document in his custody where, in the opinion of the judge, a certified copy thereof is not sufficient. Production of originals upon order of judge

(3) Upon receipt of an order under subsection (2) and the fee prescribed for a certified copy of the instrument or document required by the order to be produced, the land registrar shall prepare a certified copy of the instrument or document and deliver the original instrument or document to the person named in the order. Delivery

(4) The land registrar shall attach the order to the certified copy and shall file the copy in his office in place of the original instrument or document until the original has been returned. Substituting a copy

(5) Notwithstanding subsection 54 (2) of the *Evidence Act*, an instrument or document produced by a land registrar under this section shall be returned to the custody of the land registrar after the final disposition of the cause or action to which it pertains. R.S.O. 1970, c. 409, s. 17; 1979, c. 94, s. 47 (1). Return of documents to land registrar
R.S.O. 1980, c. 145

BOOKS OF OFFICE

18.—(1) The land registrar shall keep a by-law index in which he shall enter the registration number of every by-law registered after the 1st day of January, 1963, the number of the by-law, the name of the municipality and the title of the by-law. By-law index

(2) No by-law that directly affects the title to land shall be registered unless it contains a local description of the land affected. By-law to contain description of land, exception

(3) A by-law of a municipality may be registered by the production of a duplicate original or a copy of the Authentication of by-laws

by-law certified by the clerk of the municipality under its seal.

Order of
O.M.B.,
etc.

(4) An order of the Ontario Municipal Board or other instrument registered under section 63 shall be recorded in the by-law index.

No entry
of by-law,
etc., in
general
register

(5) No entry in respect of an order of the Ontario Municipal Board or other instrument registered under section 63 or of a by-law shall be made in the general register index. R.S.O. 1970, c. 409, s. 18 (1-5).

General
registrations

(6) The following instruments when received for registration shall be registered as general registrations and, except as otherwise provided in this Act, shall not be recorded in the abstract index:

1. Wills.
2. Letters probate.
3. Letters of administration.
4. General appointments of new trustees.
5. Certificates or certified or notarial copies of judgments or of court orders appointing or removing executors, administrators, guardians or trustees.
6. Certificates or certified or notarial copies of orders made under the *Mental Incompetency Act*.
7. Certificates under section 19 of the *Change of Name Act*.
8. Powers of attorney or revocations thereof.
9. General bars of dower.
10. Orders in council of Canada or Ontario, or certified copies thereof, not containing local descriptions.
11. Notarial copies of,
 - i. letters patent or certificates of incorporation,
 - ii. supplementary letters patent or certificates, or
 - iii. certificates of continuance.

R.S.O. 1980,
c. 264

R.S.O. 1980,
c. 62

12. Notarial copies of letters patent or certificates changing names of corporations or amalgamating corporations.

13. Notarial copies of certificates of amalgamation of loan or trust corporations.

14. Notarial copies of licences in mortmain.

15. Notarial copies of extra-provincial licences under Part VIII of the *Corporations Act*. R.S.O. 1970, c. 409, s. 18 (6); 1972, c. 133, s. 9; 1979, c. 94, ss. 8 (1), 47 (1). R.S.O. 1980, c. 95

(7) Where, under subsection (6), a notarial copy of an instrument is specified, there may be registered, in lieu of such notarial copy, a copy of the instrument certified by the proper officer of the government of Canada or Ontario. 1979, c. 94, s. 8 (2). Idem

(8) Every land registrar shall keep an alphabetical index in the prescribed form of all general registrations, to be known as the "General Register Index". General Register Index

(9) The Director may, by written direction, require a land registrar to prepare and maintain a separate alphabetical index for any class of general registrations. Separate index

(10) All books, indexes, photographic film reproductions and other records used and kept in and for the purposes of a land registry office are the property of the Crown. R.S.O. 1970, c. 409, s. 18 (7-9); 1979, c. 94, s. 47 (1). Books, etc., Crown property

19.—(1) It is the duty of every land registrar to preserve the abstract index books and other records of his office in good repair. Preservation of abstract books, etc.

(2) A land registrar may, when he considers it necessary, and shall, when so directed by the Director, cause, Copying and repair of books, etc.

(a) any book that is becoming obliterated or unfit for further use to be manually or mechanically copied or reproduced and, where portions of the entries in the book are missing, obliterated or cannot be deciphered, the missing details to be obtained, so far as possible, by examination of the instruments relating thereto and incorporated in the copy;

(b) plans and maps to be copied, repaired, restored, mounted, bound or otherwise preserved; and

(c) any book to be repaired,

in a manner approved by the Director.

Copy to be
certified

(3) Where a book is copied or reproduced under clause (2) (a), the land registrar shall certify the correctness of the copy.

Effect of
certificate

(4) The certificate of a land registrar under subsection (3) is, to the extent specified in the certificate, *prima facie* evidence that the copy is a true copy of the original book, and such certified copy shall be accepted and received as the original, but the land registrar shall nevertheless carefully preserve the original book and produce it upon demand.

Director
may order
duplicate
or new
abstract
indexes

(5) The Director may order as many counterparts or copies of any abstract index book to be made as he considers necessary for the public convenience, and may order new abstract indexes to be made when the indexes in use have become complicated or otherwise inconvenient. R.S.O. 1970, c. 409, s. 19 (1-5); 1979, c. 94, s. 47 (1).

Instruments
to be
included in
copy of
abstract
index

(6) Where an abstract index is copied, every instrument, except an instrument to which section 62 applies, shall be copied, and the land registrar shall carefully preserve the original abstract index and produce it upon demand. 1972, c. 133, s. 10; 1979, c. 94, s. 47 (1).

Effect of
certified
copy of
plan

(7) Where a plan is copied under subsection (2), and the copy is certified by the examiner of surveys as a true copy of the plan, or a part thereof, as the case may be, the copy so made and certified has all the force and effect of the plan or of that part of the plan of which it is a copy. 1979, c. 94, s. 9.

Abstract
index
of lots

20.—(1) The land registrar, in a book in the prescribed form, called the "Abstract Index", shall enter under a separate and distinct head each separate lot or part of a lot of land as originally patented by the Crown, or that appears on any registered plan of subdivision, judge's plan or municipal plan under section 85. R.S.O. 1970, c. 409, s. 20 (1); 1979, c. 94, s. 47 (1).

Entries

(2) Subject to subsection (3), the land registrar shall enter every instrument that mentions such parcel or lot of land in the abstract index in the prescribed manner under the proper heading of each separate parcel or lot of land.

Regulations

(3) The Lieutenant Governor in Council may make regulations designating instruments to which subsection (2) does not apply and governing the manner of making entries in the abstract index. 1979, c. 94, s. 10.

INSTRUMENTS THAT MAY BE REGISTERED

21.—(1) Except as otherwise provided in and subject Instruments that may be registered to this Act and the regulations, any instrument within the meaning of clause 1 (f) and any other instrument specifically permitted to be registered under Part I of this Act may be registered.

(2) Unless otherwise provided in this Act, any instrument Delivery of instruments to land registrar that may be registered shall be registered upon and by delivery to and deposit with the land registrar of the instrument or of an executed duplicate or other original part thereof with all necessary affidavits.

(3) Subject to subsection (4), the registration of an instrument purporting to affect unpatented Crown land or land that has the status of unpatented Crown land has no effect under this Act. Unpatented Crown lands R.S.O. 1970, c. 409, s. 22 (1-3); 1979, c. 94, s. 47 (1).

(4) Subsection (3) does not apply, Exceptions

(a) to a mortgage or other encumbrance made by the original nominee of the Crown or by a person through whom a person obtaining a grant of land from the Crown derived title, or to a lien affecting the land;

(b) to a plan of Crown land made under the *Public Transportation and Highway Improvement Act*, the *Public Lands Act* or any other Act of Ontario; R.S.O. 1980, cc. 421, 413

(c) to a lease of Crown land or of an interest therein or of any interest of the Crown in land under the *Mining Act* or the *Public Lands Act*; R.S.O. 1980, cc. 268, 413

(d) in the case of an instrument purporting to affect land, which when the instrument was registered was unpatented Crown land, if,

(i) a patent of the land is subsequently registered, or

(ii) a notice, which was issued by any competent governmental authority, in existence before or after the creation of the Province of Ontario, and which stated that the land was patented, is recorded in the land registry office;

(e) to an instrument affecting land that was unpatented Crown land at the time of registration of the instrument, where the instrument,

(i) was registered in compliance with an Act of Ontario, or

(ii) was registered as contemplated by an Act of Ontario and the instrument was either executed or approved on behalf of the Crown by a Minister or other person authorized by law so to do; or

R.S.O. 1980,
c. 332

(f) to a licence of occupation for the purpose of a pipe line as defined in the *Ontario Energy Board Act*, if the licence is accompanied by an affidavit of the licensee or his solicitor or, where the licensee is a corporation, an officer of or solicitor for the corporation stating that the land affected by the licence is to be used for that purpose, or to any instrument affecting a registered licence of occupation. R.S.O. 1970, c. 409, s. 22 (4); 1971, c. 61, s. 1.

Water
lots, etc.

(5) An instrument purporting to affect land covered by water shall not be registered unless the registry division in which the land is situate can be readily ascertained from the instrument. R.S.O. 1970, c. 409, s. 22 (5).

Notice of
unregistered
interest

(6) An instrument that refers to an unregistered instrument or to an interest or claim dependent upon or arising out of an unregistered instrument shall not be registered under this Act. 1979, c. 94, s. 11 (1).

Leases

(7) Notwithstanding subsections (2) and (6), a notice of,

(a) a lease;

(b) a sublease;

(c) an assignment of a lease;

(d) a mortgage of a lease;

(e) an assignment of the lessor's interest in a lease;

(f) a determination or surrender of a lease;

(g) an agreement to lease; or

(h) an option to lease,

may be registered if it complies with the regulations.
R.S.O. 1970, c. 409, s. 22 (7); 1979, c. 94, s. 11 (2).

(8) Notwithstanding subsections (2) and (6), a notice of, Agreements
and options

(a) an agreement of purchase and sale of land or
an assignment thereof; or

(b) an option for the purchase of land or an assign-
ment thereof,

may be registered if it complies with the regulations.

(9) Subject to subsection (10), the registration of a notice Expiry
under subsection (8) expires one year after the date of its
registration.

(10) The period of registration of a notice under sub- Renewal
section (8) may be extended from time to time by registering
a renewal notice in the prescribed form and, unless the
period is further extended, the registration of the renewal
notice expires one year after the date of its registration.

(11) A notice registered under subsection (8) or (10) shall be Affidavit
of bona
fides
accompanied by an affidavit of *bona fides* in the prescribed
form. 1972, c. 133, s. 12.

22.—(1) An instrument that does not contain a local When local
description
required
description of the land affected thereby shall not be registered,
unless,

(a) the instrument is a plan;

(b) the instrument is to be registered as a general
registration under subsection 18 (6);

(c) the instrument is a by-law that does not directly
affect title to land;

(d) the instrument is a certificate of discharge purporting
to completely discharge a mortgage to which sub-
section 51 (7) does not apply;

(e) the instrument has securely attached to it a
declaration in the prescribed form made by a party
to the instrument or by his solicitor, or by his

attorney under registered power of attorney, or by the heirs, executors or administrators of a party to the instrument, or, where the party is a corporation, by an officer thereof, stating that the instrument affects land within the registry division, and containing a local description; or

- (f) the instrument is a judgment or order of the court or of a judge, or a certificate or certified or notarial copy of such judgment or order, and has securely attached to it a declaration in the prescribed form, made by one of the parties to the action or by his solicitor, stating that the instrument affects land within the registry division, and containing a local description.

Idem

(2) A registered instrument may be recorded or further recorded in the abstract index upon the registration of a declaration in the prescribed form made by any of the persons mentioned in clauses (1) (e) and (f). R.S.O. 1970, c. 409, s. 23.

Interpre-
tation

23.—(1) In this section, “easement” means an easement, right-of-way, right or licence in the nature of an easement, *profit à prendre* or other incorporeal hereditament, but does not include such an easement arising by operation of law.

Easements,
etc.
R.S.O. 1980,
c. 90

(2) Notwithstanding section 15 of the *Conveyancing and Law of Property Act* or any rule of law, an instrument purporting to convey an easement, made after the 1st day of January, 1967, does not, as against a *bona fide* purchaser who, for valuable consideration and without actual notice, purchases the servient tenement after the registration of the instrument, convey to the grantee any interest in the easement unless a local description of the affected part of the servient tenement is contained in the instrument by which the conveyance is made. R.S.O. 1970, c. 409, s. 24.

Easement
created by
condominium
declaration

24.—(1) Where the first registered description of an easement is that contained in a condominium declaration and description, and the easement is expressly intended,

- (a) to be an easement through the common elements and to benefit other land owned by the declarant; or
- (b) to be an easement through other land owned by the declarant and to benefit the condominium property,

the easement is created for all purposes to the same extent as if it had been created by a deed and the declarant had not been the same person as the owner of the other land.

(2) Where, in a deed that is registered before the registration of a deed of any unit made by the declarant, an easement through land outside the condominium property is transferred by the declarant to the condominium corporation to be part of the common elements, the easement does not merge by operation of law.

Easement to benefit condominium property

(3) Where, in a deed that is registered before the registration of a deed of any unit made by the declarant, the common elements are made subject to an easement expressly intended to benefit other land owned by the declarant, the easement is created for all purposes as if the declarant had not been the same person as the owner of the other land.

Easement affecting common elements

(4) Where, in an instrument, an intention is expressed by a condominium corporation that an easement transferred to the corporation is to be part of the common elements, and any instrument in relation thereto required by the *Condominium Act* has been registered, the easement, upon registration of the instrument in which the intention is expressed, becomes part of the common elements.

Easement becomes part of common elements
R.S.O. 1980, c. 84

(5) Section 29 of the *Planning Act* does not apply to an easement to which subsection (1) of this section applies, if the condominium description was approved or exempted under subsection 50 (2) of the *Condominium Act*, or a predecessor thereof.

Where R.S.O. 1980, c. 379 does not apply

(6) Except to the extent that rights governed by this section have been determined by a court, this section has retroactive application.

Retroactive effect

(7) In this section,

Interpretation

(a) "common elements" means common elements;

(b) "declarant" means declarant;

(c) "declaration" means declaration;

(d) "description" means description;

(e) "property" means property; and

(f) "unit" means unit,

as defined in the *Condominium Act*. 1980, c. 50, s. 4.

Affidavit
of witness

25.—(1) An instrument shall not be registered unless accompanied by an affidavit in the prescribed form of a subscribing witness, not being a party to the instrument, as to the execution of the instrument by each party who appears to have executed it. R.S.O. 1970, c. 409, s. 25 (1); 1979, c. 94, s. 12 (1).

Where not
required

(2) Subsection (1) does not apply to,

- (a) a will;
- (b) a grant or lease from the Crown;
- (c) an order in council;
- (d) an instrument that purports to be executed by a Minister or an officer of the Government of Ontario or of Canada;
- (e) the execution of an instrument by a corporation under its seal;
- (f) a by-law of a municipality;
- (g) a certificate of judicial proceedings;
- (h) a plan or a plan and description in respect of expropriated land;
- (i) an instrument under section 5 or 8 of the *Public Transportation and Highway Improvement Act*;
- (j) a consent under section 29 of the *Planning Act*;
- (k) a copy of an instrument certified under section 34;
- (l) a certified or notarial copy of an instrument where such copy may be registered;
- (m) a statutory declaration;
- (n) a tax arrears certificate, redemption certificate or vacating certificate under the *Municipal Affairs Act*;
- (o) a tax sale notice or redemption receipt under the *Assessment Act*;
- (p) a notice or certificate under subsection 5 (2) of *The Municipal and School Tax Assistance Act*, being chapter 285 of the Revised Statutes of Ontario, 1970;

R.S.O. 1980,
c. 421

R.S.O. 1980,
c. 379

R.S.O. 1980,
c. 303

R.S.O. 1980,
c. 31

(q) a notice of a security interest or certificate of discharge under the *Personal Property Security Act*; or

R.S.O. 1980,
c. 375

(r) the execution of an instrument by a guarantor or surety.
R.S.O. 1970, c. 409, s. 25 (2); 1971, c. 61, s. 1; 1972, c. 1,
s. 104 (6); 1979, c. 94, s. 12 (2-4).

(3) The Lieutenant Governor in Council may, by regulation, designate classes of instruments, in addition to those set out in subsection (2), to which subsection (1) does not apply. 1979, c. 94, s. 12 (5). Regulations

(4) An instrument may be registered notwithstanding that the given name or names of the subscribing witness making the affidavit is or are only set forth therein by initials or abbreviation and not in full. R.S.O. 1970, c. 409, s. 25 (4). Name of witness need not be set forth in full in affidavit

26. An instrument not purporting to convey the land therein mentioned, but which in its nature is, or purports to be, given as a security for the payment of a debt or liability incurred by the person executing it in respect of a purchase or delivery of goods or in respect of an advance or loan of money, shall not be registered unless an affidavit in the prescribed form is made on or securely attached to the instrument. R.S.O. 1970, c. 409, s. 26. Affidavit of execution in case of instruments given in respect of purchase or delivery of goods

27.—(1) Every land registrar and deputy land registrar is *ex officio* a commissioner for taking affidavits for use under this Act and relating to land in his registry division. R.S.O. 1970, c. 409, s. 27 (1); 1979, c. 94, s. 47 (1). Land registrar and deputy land registrar may administer oath

(2) An affidavit, affirmation or declaration that complies with section 44 or 45 of the *Evidence Act* is sufficiently sworn, affirmed or made for the purposes of this Act. 1979, c. 94, s. 13. Affidavits etc., made outside Ontario
R.S.O. 1980, c. 145

28. Where under this Act proof for registration is required in the form of an affidavit, the proof may be in the form of an affirmation or solemn declaration complying with section 17 or 43 of the *Evidence Act*, respectively. R.S.O. 1970, c. 409, s. 28. Affirmation or declaration in certain cases

29. No person authorized to take affidavits shall take an affidavit of the execution of an instrument to which he is a party; nor shall such an affidavit be taken from a witness unless the witness has subscribed his name in his own handwriting as such witness. R.S.O. 1970, c. 409, s. 29. Parties not to take affidavits
Witnesses to sign

Witnesses
compellable
to make
affidavit

30. Every subscribing witness is compellable, by order of a judge of the Supreme Court or of a county or district court, to make an affidavit or proof of the execution of an instrument for the purpose of registration, and to do all other acts necessary for that purpose, upon being paid or tendered his reasonable expenses therefor. R.S.O. 1970, c. 409, s. 30.

Judge may
dispense with
affidavit
of witness

31. Where an instrument that is otherwise capable of registration is not accompanied by an affidavit of execution as required by this Act or is accompanied by an incomplete or defective affidavit of execution, any person who is or claims to be interested in the registration of the instrument may make proof before a judge of any county or district court of the execution of the instrument, and, where a certificate in the prescribed form is endorsed on the instrument and signed by the judge, the certificate shall be received in lieu of the affidavit. R.S.O. 1970, c. 409, s. 31.

Seal of court
or seal of
corporation
with
signature of
officer to
suffice for
registration

32.—(1) The seal of a court of record affixed to an instrument of itself, and the seal of a corporation affixed to an instrument with the signature purporting to be the signature of the presiding officer, vice-president, manager, director, secretary, treasurer, attorney or other authorized person is sufficient evidence, for the purpose of registration, of the due execution of the instrument by the judge, or the officer of the court signing it, or by the corporation.

Proof of
execution by
attorney for
corporation
R.S.O. 1980,
cc. 95, 54
R.S.C. 1970,
c. C-32

(2) Where an attorney empowered under section 281 of the *Corporations Act*, section 18 of the *Business Corporations Act*, or section 22 of the *Corporations Act* (Canada) executes an instrument under his seal on behalf of a corporation, subsection 25 (1) applies. R.S.O. 1970, c. 409, s. 32.

Judgments
and orders
affecting
land

33.—(1) A judgment or order of a court or judge affecting land, other than an order or certificate endorsed on an instrument, may be registered in the land registry office of the registry division in which the land is situate by registering therein,

- (a) a certificate signed by the proper officer of the court setting forth the substance and effect of the judgment or order;
- (b) a copy of the judgment or order certified as such by the proper officer of the court;
- (c) the original judgment or order under the seal of the court; or

- (d) a notarial copy of the original judgment or order, certified copy or certificate, if the original judgment or order, certified copy or certificate is produced to the land registrar with the notarial copy for verification of the correctness of the notarial copy.

(2) No judgment or final order of foreclosure of a mortgage shall be registered except by way of a certificate thereof, under the seal of the court, that includes a local description and a reference to the registration number of the mortgage.

Number of mortgage to be included in certificate of foreclosure

(3) An order discharging a mechanic's lien or vacating a certificate of action under the *Mechanics' Lien Act* shall be registered by registering the order or a certificate thereof, under the seal of the court, that includes a local description and reference to the registration number of every registered claim for lien and certificate of action affected thereby. R.S.O. 1970, c. 409, s. 33; 1979, c. 94, s. 47 (1).

Number of mechanic's lien to be included in order discharging, etc.

R.S.O. 1980, c. 261

34. There may be registered,

- (a) a copy of an instrument certified under the hand and seal of the land registrar in whose office the instrument is registered;

Registration of certified copies, powers of attorney, etc.

- (b) a copy of a power of attorney or other instrument executed by a corporation that confers upon any person authority to act for the corporation if the copy is certified by the proper officer of any department of the Government of Canada or Ontario in whose office the power of attorney or instrument is deposited; or

- (c) a copy of an instrument registered under the *Corporation Securities Registration Act*, certified under that Act. R.S.O. 1970, c. 409, s. 34; 1972, c. 133, s. 13, part; 1979, c. 94, s. 14.

R.S.O. 1980, c. 94

35. A copy of an instrument deposited under Part II of this Act or under *The Custody of Documents Act*, being chapter 85 of the Revised Statutes of Ontario, 1960, or any predecessor thereof, certified by the land registrar in whose office the instrument is deposited, may be registered subject to the proof for registration required by this Act. R.S.O. 1970, c. 409, s. 35; 1979, c. 94, s. 47 (1).

Registration of deposits

36. A notarial copy of an instrument executed in the Province of Quebec, the original of which is filed in a notarial office according to the law of Quebec, and a

Registration of notarial copies of instruments executed in Quebec

prothonotarial copy of an instrument executed in Quebec may be registered and shall be treated under this Act for all purposes as if it were the original instrument, and such notarial or prothonotarial copy with the seal of the notary or prothonotary attached shall be registered without any other proof of the execution of the original thereof. R.S.O. 1970, c. 409, s. 36.

Address for
service
to be
endorsed on
certain
instruments

37.—(1) A land registrar shall not register,

- (a) a deed or other conveyance;
- (b) an agreement of purchase and sale of land or an assignment thereof;
- (c) an option for the purchase of land or an assignment thereof;
- (d) a notice mentioned in subsection 21 (8);
- (e) a mortgage or assignment thereof;
- (f) a lease, a sublease, an agreement to lease, an option to lease, an assignment of the lessor's interest in the lease or any assignment thereof;
- (g) a notice mentioned in clause 21 (7) (a), (b), (c), (d), (e), (g) or (h);
- (h) a claim for a mechanics' lien or an assignment thereof;
- (i) a notice of security interest under the *Personal Property Security Act* or an assignment thereof;
- (j) a certificate of judgment or a final order of foreclosure of a mortgage;
- (k) a vesting order; or

R.S.O. 1980,
c. 375

R.S.O. 1980,
c. 84

- (l) a notice of lien under section 32 of the *Condominium Act*,

unless there is endorsed on the instrument the address for service of each person obtaining or claiming an interest in or in respect of land under the instrument.

Change of
address

(2) An address for service provided under this section may be changed by registering a notice in the prescribed form. 1979, c. 94, s. 15.

Registering
instruments
in languages
other than
English

38. Where an instrument or an affidavit of execution is written wholly or in part in a language other than

English there shall be produced with the instrument or the affidavit of execution a translation into English, together with an affidavit by the translator stating that he understands both languages and has carefully compared the translation with the original and that the translation is in all respects a true and correct translation, and the land registrar shall not enter the instrument or affidavit in the language in which it is written but shall copy from the translation. R.S.O. 1970, c. 409, s. 38; 1979, c. 94, s. 47 (1).

MANNER OF REGISTERING

39. A judgment in foreclosure or a final order of foreclosure or an instrument purporting to be a conveyance of land under a power of sale contained in a mortgage shall not be registered until the mortgage and any assignment thereof have been registered. 1972, c. 133, s. 14.

40.—(1) No instrument purporting to be signed or executed by any person by attorney shall be registered unless, at or before the time of registration, the original power of attorney, or a copy thereof certified for registration under section 34, is registered in the same land registry office and the date of registration and registration number thereof are indicated in the body or margin of the instrument tendered for registration, but, when the power of attorney or a certified copy thereof cannot be produced, proof may be made before a judge of any county or district court of the execution of the instrument, and, upon a certificate in the prescribed form being endorsed on the instrument and signed by the judge, the land registrar shall, if the instrument is otherwise capable of registration, register the instrument and certificate.

(2) Where an instrument, signed or executed by any person by attorney, is registered, the land registrar shall enter a note of the fact of such signature or execution by attorney, giving the name of the attorney, on the abstract index and on all abstracts of title thereafter furnished by him relating to the land affected by the instrument.

(3) Subsection (1) does not apply to instruments purporting to be executed by attorneys or commissioners for the Canada Company, the Trust and Loan Company of Canada, the Scottish Ontario and Manitoba Land Company, the North British Canadian Investment Company, the North of Scotland Canadian Mortgage Company, Limited, or the Scottish American Investment Company. R.S.O. 1970, c. 409,

Affidavit
as to age

41.—(1) Subject to subsection (2), a deed, conveyance, mortgage, assignment of mortgage, lease, assignment of lease, release, quit claim or discharge of mortgage shall not be registered unless there is made on or securely attached to it an affidavit by each person or one of the persons, other than a corporation, making it, deposing that each person, other than a corporation, making the instrument was of the full age of eighteen years at the time of execution of the instrument. 1979, c. 94, s. 16 (1).

Idem.

(2) Where an instrument referred to in subsection (1) is executed on behalf of a person under a power of attorney, the affidavit in respect of age referred to in subsection (1) shall be made by the attorney deposing that the person was of the full age of eighteen years at the time of execution of the power of attorney.

Exemption
from
subs. (2)

(3) Subsection (2) does not apply to an attorney executing an instrument on behalf of,

(a) a corporation; or

(b) a married woman solely for the purpose of barring or releasing her dower; or

(c) a spouse who, not as an owner and party, consents to or joins in the instrument for the purposes of section 42 of the *Family Law Reform Act*. 1979, c. 94, s. 16 (2).

R.S.O. 1980,
c. 152

Plan of
subdivision

(4) A plan of subdivision shall not be registered unless the age of every person, other than a corporation, who executes the plan as an owner or who, as mortgagee consents to the registration of the plan, is proven in the manner and form prescribed by the regulations to be of the full age of eighteen years at the time of execution of the plan. R.S.O. 1970, c. 409, s. 42 (3); 1971, c. 98, s. 4, Sched., par. 28.

Interpreta-
tion

(5) For the purposes of subsections (3), (6), (7) and (10), "spouse" means "spouse" as defined in clause 1 (f) of the *Family Law Reform Act*. 1979, c. 94, s. 16 (3).

Affidavit as
to spousal
status

(6) A deed, conveyance, mortgage, lease, assignment of lease, release, or quit claim that is made by a person, other than a corporation, in which no one joins as a spouse, shall not be registered unless there is made on or securely attached to it an affidavit by that person, or if the document is executed by an attorney, by that attorney, deposing whether the person was a spouse at the time of the execution of the instrument.

Affidavit
by spouses

(7) A deed, conveyance, mortgage, lease, assignment of lease, release, or quit claim that is made by a person and in

which another person joins as a spouse shall not be registered unless there is made on or securely attached to it an affidavit by such person, or his or her spouse, or, if the document is executed by an attorney, by that attorney, deposing that they were spouses of one another at the time of execution of the instrument. 1978, c. 8, s. 2 (2).

(8) Where an affidavit required by this section is made by an attorney that is a corporation, the affidavit shall be made by an officer of the corporation. Affidavit by corporate attorney

(9) Where an instrument that is otherwise capable of registration is not accompanied by an affidavit as required by this section or is accompanied by an incomplete or defective affidavit and a person who is or claims to be interested in the registration of the instrument makes proof before a judge of any county or district court that an affidavit as required cannot be obtained conveniently and that the facts were as are required to be stated by the affidavit, the judge may dispense with the affidavit, and thereupon he shall endorse upon the instrument or securely attach to it his certificate, in the prescribed form, stating the facts that have been proven to his satisfaction, and the judge's certificate shall be received in lieu of the affidavit. R.S.O. 1970, c. 409, s. 42 (7, 8). Judge may dispense with affidavit

(10) Subsections (1) and (4) do not apply,

Where
subss. (1, 4)
do not apply

(a) to a spouse who, not as an owner and party, consents to or joins in an instrument for the purposes of section 42 of the *Family Law Reform Act*;

R.S.O. 1980,
c. 152

(b) to an executor or administrator, the Public Trustee or any other person dealing with land in a representative capacity;

(c) to a minor who executes an instrument under the authority of a court of competent jurisdiction;
or

(d) a person executing a mortgage as guarantor or surety.
R.S.O. 1970, c. 409, s. 42 (9); 1978, c. 8, s. 2 (3); 1979, c. 94, s. 16 (5).

(11) Subsections (6) and (7) do not apply to a person executing an instrument in his capacity as Public Trustee, Official Guardian, trustee in bankruptcy, executor or administrator who is not selling for the purpose of paying debts of the estate, committee of a mentally incompetent person, sheriff, trustee of a religious institution or trustee of a When
subss. (6, 7)
do not apply

school board and any other person who may be designated by regulation. 1978, c. 8, s. 2 (4).

Proof of
compliance
with
R.S.O. 1980,
c. 379

42. Where compliance with section 29 of the *Planning Act* is not apparent on an instrument, the instrument shall not be registered unless,

- (a) a consent under section 29 of the *Planning Act* in respect of the instrument is attached thereto, endorsed thereon or registered in the same land registry office and the date of registration and registration number thereof are indicated in the instrument tendered for registration;
- (b) an affidavit stating that such a consent is not required, and giving reasons therefor, made by one of the parties or by his solicitor, is attached thereto; or
- (c) the land registrar is satisfied that section 29 of the *Planning Act* does not apply to the instrument. 1979, c. 94, s. 18.

Interpre-
tation

43.—(1) In this section, “grantee” includes a grantee under a deed or other conveyance, a mortgagee or a person claiming an interest in land.

Description
of grantee

(2) An instrument executed on or after the 1st day of July, 1964, shall not be registered unless every grantee thereunder, other than a corporation, is described by his surname and by at least one given name in full. R.S.O. 1970, c. 409, s. 44 (1, 2).

Trustees of
pension funds

R.S.C. 1952,
c. 148

(3) Notwithstanding subsection (2), where a mortgage is made or assigned to the trustee or trustees of a registered pension fund or plan within the meaning of subsection 248 (1) of the *Income Tax Act* (Canada) and the mortgage or assignment has attached thereto an affidavit made by one of the trustees or a solicitor deposing that the fund or plan is so registered, the mortgagee or assignee may be described in the mortgage or assignment as the trustee or trustees, naming the fund or plan, and the individual names of the trustee or trustees are not required. 1972, c. 133, s. 18, *part*.

Idem

(4) An assignment or discharge of mortgage made by the trustee or trustees mentioned in subsection (3) shall not be registered unless there is attached thereto an affidavit made by the trustee or, where there is more than one trustee, by one of them or by the solicitor for the trustee or trustees, deposing that the signing trustee is, or trustees are, authorized to execute the assignment or discharge. 1979, c. 94, s. 19.

Debentures,
etc.

(5) A mortgage in the form of a debenture or a similar instrument shall not be registered unless the name of the

person entitled to receive the money payable thereunder and to give a discharge thereof is set out in the instrument. 1972, c. 133, s. 18, *part*.

44.—(1) Except as provided by subsection (5), all instruments shall be numbered consecutively in order of time of being registered. ^{Registration numbers}

(2) Where two or more instruments affecting the same ^{Idem} land are received at the same time, they shall, if capable of registration, be registered and numbered in the order requested by the person or persons from whom they are received.

(3) The year, month, day, hour and minute at which ^{Time of receipt} an instrument is registered shall be endorsed thereon.

(4) For the purpose of section 66, priorities shall, subject ^{Priorities, how established} to subsection (5), be determined in accordance with the respective registration numbers.

(5) A separate series of registration numbers may be ^{Idem} used for plans of subdivision and for any other class of instrument that may be approved by the Director, and, for the purposes of section 66, priorities between instruments registered in different number series shall be determined in accordance with the time of receipt endorsed thereon. R.S.O. 1970, c. 409, s. 45.

45.—(1) Upon registration of an instrument, the land ^{Manner of registration} registrar,

(a) shall cause to be endorsed upon it and upon the duplicate thereof, if any, received with it a certificate in the prescribed form; and

(b) shall cause it to be recorded in the proper index or indexes and, except as provided by the regulations, shall cause it to be recorded on photographic film. R.S.O. 1970, c. 409, s. 46 (1); 1972, c. 133, s. 19 (1); 1979, c. 94, ss. 20, 47 (1).

(2) A certificate endorsed upon an instrument or duplicate under clause (1) (a) is receivable by any court as proof of ^{Certificate proof of registration} registration of the instrument. R.S.O. 1970, c. 409, s. 46 (2).

(3) Every registered instrument is the property of the ^{Custody of registered instruments} Crown and, subject to subsection 17 (2) and the regulations, shall be retained in the custody of the land registrar in his office.

Idem

(4) Notwithstanding subsection (3), a registered instrument may be temporarily transferred to the custody of the Director of Titles or a land registrar in connection with an application under the *Certification of Titles Act* or the *Land Titles Act*. 1972, c. 133, s. 19 (2); 1979, c. 94, s. 47 (1).

R.S.O. 1980,
cc. 61, 230Crown
grantsR.S.O. 1980,
c. 413

46. A land registrar shall register a Crown grant received by him under section 36 of the *Public Lands Act* that meets the requirements for registration set out in this Act and the regulations. 1979, c. 94, s. 21, *part*.

Orders in
council

47. Where by any Act of Canada or Ontario an order in council or a certified copy thereof is required to be registered or deposited in a land registry office, the order or a certified copy thereof may be registered and recorded.

(a) in the case of an order that does not contain a local description, as a general registration; or

(b) in the case of an order that contains a local description, in the abstract index. R.S.O. 1970, c. 409, s. 49.

Wills

48.—(1) A will shall be registered by registering,

(a) the original will or a notarial copy thereof with,

(i) an affidavit sworn by one of the subscribing witnesses to the will proving the due execution thereof by the testator, and

(ii) an affidavit stating that the testator died on or about a specified date, sworn by any person who has personal knowledge of that fact, or a death certificate under the *Vital Statistics Act* in respect of the death of the testator;

R.S.O. 1980,
c. 524

(b) the letters probate, letters of administration with the will annexed or any grant based on a will given by a court outside Ontario having jurisdiction in probate matters or a notarial copy thereof; or

(c) an exemplification or certified copy of the letters probate, letters of administration with the will annexed or grant based on a will given by a court outside Ontario having jurisdiction in probate matters under the seal of the court that granted such letters or grant or a notarial copy of such exemplification or certified copy. R.S.O. 1970, c. 409, s. 50 (1); 1972, c. 133, s. 20 (1); 1979, c. 94, s. 22 (1).

(2) Where, at the time of registration of a notarial copy under this section, the will or other instrument is produced to the land registrar, he shall endorse his certificate of registration upon and return the will or other instrument. R.S.O. 1970, c. 409, s. 50 (3); 1979, c. 94, s. 47 (1). Notarial copy of will, etc.

(3) Whether letters probate or letters of administration have or have not been granted, no deed, grant, conveyance, mortgage, assignment of mortgage or other instrument purporting to convey, transfer or assign, Consent of Minister of Revenue required

- (a) any property standing in the name of a deceased person or held in trust for him or in the names of a deceased person and any other person;
- (b) any property over which the deceased person had, at the time of his death a general power of appointment, notice of which appears in any register, book, document or instrument or on any abstract in the land registry office;
- (c) any property in which the deceased person at the time of his death had any registered beneficial interest whatsoever,

shall be tendered for registration, unless the consent in writing of the Minister of Revenue is attached thereto or endorsed thereon, and until such consent is given, notwithstanding anything contained in the *Estates Administration Act*, any land so conveyed does not vest in the person beneficially entitled thereto or his assigns or any person claiming under him. R.S.O. 1970, c. 409, s. 50 (4); 1977, c. 8, s. 7 (1); 1979, c. 94, s. 22 (3). R.S.O. 1980, c. 143

(4) Notwithstanding subsection (3), the consent of the Minister of Revenue is not required to be attached to or endorsed on any deed, grant, conveyance, mortgage, assignment of mortgage or other instrument purporting to convey, transfer or assign any property that is property prescribed by the Minister of Revenue by regulations made under *The Succession Duty Act*, being chapter 449 of the Revised Statutes of Ontario, 1970 to be property that may be conveyed, transferred or assigned without the consent of the Minister of Revenue. 1977, c. 8, s. 7 (2). Where consent of Minister not required

(5) The Minister of Revenue may issue a certificate that all succession duties payable in respect of any land forming Certificate under R.S.O. 1970, c. 449

part of the estate of a deceased person have been paid and satisfied or that security for such payment as required under *The Succession Duty Act*, being chapter 449 of the Revised Statutes of Ontario, 1970 has been given, and upon registration of the certificate, it is not necessary that subsection (3) be complied with in respect of the land described in the certificate if the date of registration and registration number of the certificate are indicated in the body or margin of the instrument tendered for registration.

Notarial
copy of
certificate

(6) Where, at the time of registration of a certificate under subsection (5), a notarial copy thereof is produced to the land registrar, he shall endorse his certificate of registration upon and return the copy.

Consent, etc.,
required
only once

(7) Notwithstanding anything in this section, a consent under subsection (3) or a certificate under subsection (5) is required only once in connection with the same property in the same estate. 1972, c. 133, s. 20 (2); 1979, c. 94, s. 47 (1).

Application
of subss. (3-7)

(8) Subsections (3) to (7) do not apply where the deceased person died prior to the 1st day of January, 1970 or after the 10th day of April, 1979. 1979, c. 94, s. 22 (4).

Letters of
administra-
tion
R.S.O. 1980,
c. 143

49. Letters of administration that under the *Estates Administration Act* affect land shall be registered in the same manner as a probate of a will. R.S.O. 1970, c. 409, s. 52.

Where
registration
of will, etc.,
required

50. An instrument purporting to convey or otherwise deal with land in any manner shall not be registered if executed by any person as devisee, legatee, executor or administrator of the estate of a deceased person who at the time of his death appears from the instrument to have been in any wise possessed of or interested in the land in question unless before the time of registration of the instrument the will or the letters probate of the will or the letters of administration under which the person executing the instrument claims to be entitled has or have been registered in the registry division in which the land in question is situate and the registration date and number thereof have been inserted in the body of the instrument or in its margin. R.S.O. 1970, c. 409, s. 53.

Discharge of
mortgage

51.—(1) A certificate of discharge, in the prescribed form, of a registered mortgage, executed by the mortgagee, his executor, administrator or assignee, or by such other person as may be entitled by law to receive the money and to discharge the mortgage, may be registered. R.S.O. 1970, c. 409, s. 54 (1).

(2) Subject to subsections (3), (4) and (5), where a certificate of discharge is tendered for registration, the registered duplicate mortgage and the registered duplicate of any assignment thereof shall be produced to the land registrar.

Duplicate mortgage, etc., must be produced

(3) Where one or more mortgages in addition to the mortgage being discharged were included in one assignment, it is not necessary to produce the registered duplicate assignment until the last of such mortgages is discharged.

Where duplicate not required

(4) Where the certificate does not completely discharge the mortgage, subsection (2) does not apply.

Idem

(5) Where a duplicate mortgage or a duplicate assignment cannot be produced, a declaration by a person having knowledge of the facts, giving the reasons therefor, may be produced in lieu of the duplicate.

Where duplicate cannot be produced

(6) The land registrar shall, with a stamp bearing the words "Discharged Registered", stamp each duplicate produced to him under subsection (2) across the certificate of registration, and shall return the duplicate to the person who produced it. 1972, c. 133, s. 22; 1979, c. 94, s. 47 (1).

Cancellation and return of duplicate

(7) Where land is mortgaged and subsequently subdivided by a registered plan of subdivision, judge's plan, land registrar's compiled plan, or any other registered plan by which lots are created, any certificate of discharge of the mortgage shall contain a description of the affected land with reference to the plan. R.S.O. 1970, c. 409, s. 54 (5); 1979, c. 94, s. 47 (1).

Where plan registered after mortgage

52. Subject to section 54, where, after the registration of a mortgage, the name of the person or corporation entitled to receive the money and to discharge the mortgage has changed or been changed, an explanation of the change of name,

Change of name of mortgagee

(a) shall, in the case of a change of name by order under the *Change of Name Act* or by supplementary letters patent or articles of amendment, be noted in the body or margin of the certificate of discharge, with reference to the registration number of the certificate of order, supplementary letters patent, or certificate of amendment;

R.S.O. 1980, c. 62

(b) shall, if made by an Act of Ontario or of any other jurisdiction, be noted in the body or margin of the certificate of discharge, with reference to the Act; or

(c) shall, if made upon or in consequence of adoption, marriage, annulment or dissolution of marriage,

or in any other way, be set forth in a declaration, attached to the certificate of discharge, made by the person signing the certificate of discharge or by his solicitor. R.S.O. 1970, c. 409, s. 55.

Mortgage-of-a-mortgage, etc., not to be registered

53.—(1) Subject to subsection (2),

(a) a mortgage-of-a-mortgage; or

(b) a discharge of a mortgage-of-a-mortgage,

executed after the 1st day of January, 1971 shall not be registered. R.S.O. 1970, c. 409; s. 56 (1); 1972, c. 133, s. 23.

Exceptions

(2) Where, upon an application made to him, a judge of a county or district court is satisfied that there cannot be conveniently obtained and registered,

(a) an assignment of a mortgage containing a provision for reassignment to the assignor instead of a mortgage-of-a-mortgage; or

(b) an assignment of a mortgage-of-a-mortgage to the person entitled to redeem the mortgage-of-a-mortgage instead of a discharge of the mortgage-of-a-mortgage,

the judge may endorse his fiat on the mortgage-of-a-mortgage or discharge of a mortgage-of-a-mortgage, which may then be registered, notwithstanding subsection (1).

Effect of registration of discharge

(3) A discharge, even though registered under subsection (2), executed by the person entitled to receive the money under a mortgage-of-a-mortgage, or by his executor, administrator, legal personal representative or assignee, does not operate as a discharge of the mortgaged mortgage unless,

(a) the right to discharge the mortgaged mortgage is conferred by the mortgage-of-a-mortgage, and such right is recited in the discharge;

(b) the mortgagor of the mortgage-of-a-mortgage has lost his right to redeem, by reason of foreclosure of or sale under the mortgage-of-a-mortgage, and the foreclosure or sale is evidenced by registered instruments; or

(c) upon an application made to him, a judge of a county or district court is satisfied that the discharge when registered has the effect of discharging the mortgaged mortgage and he makes an order

to that effect and the order is either endorsed on or attached to or registered after the discharge.

(4) Notwithstanding section 62, a land registrar shall not mark off the entry in the abstract index of a mortgage or instrument dealing with the mortgage if a mortgage-of-the-mortgage was registered and the only registered discharge relating to the mortgage was of the mortgage-of-the-mortgage, except where, having regard to the provisions contained in the mortgage-of-the-mortgage and to subsection (3), he is satisfied that the discharge had the effect of discharging the mortgaged mortgage. R.S.O. 1970, c. 409, s. 56 (2-4); 1979, c. 94, s. 47 (1).

Marking off mortgage

54. Where a loan or trust corporation that has acquired the assets of another loan or trust corporation by amalgamation of such corporations desires to discharge any of the mortgages of such corporation and the certificate of amalgamation or a certified or notarial copy thereof has been registered, it is sufficient to set forth in the instrument to be registered the fact of the assent of the Lieutenant Governor in Council or the Governor in Council, as the case may be, to the amalgamation with the date of the certificate of amalgamation and its registered number, or a reference to the Act by which the loan or trust corporations were amalgamated or by which the agreement was ratified, and upon registration of the discharge the land registrar shall enter in the abstract index the particulars of amalgamation mentioned in the discharge. R.S.O. 1970, c. 409, s. 57; 1979, c. 94, ss. 23, 47 (1).

Discharge of mortgages held by amalgamated loan or trust corporations

55.—(1) Where a mortgage has been paid off by any person advancing money by way of a new loan on mortgage on the same land and the mortgage so paid off or the discharge thereof is held by the mortgagee making the new loan, the discharge of the mortgage so paid off shall be registered within six months from the date thereof, unless the mortgagor has authorized, in writing, the retention of the discharge for a longer period.

Registration of discharge when mortgage paid off by subsequent mortgagee

(2) The registration does not affect the right, if any, of the mortgagee who may have paid off such mortgage, his assignee, or any person claiming under him, by purchase or otherwise, to be subrogated to the rights of the mortgagee whose mortgage debt has been so paid. R.S.O. 1970, c. 409, s. 58.

Right of subsequent mortgagee

56.—(1) Where the person entitled to receive the mortgage money and to discharge a registered mortgage is not the original mortgagee, he shall, at his own expense, cause to be registered before the registration of the certificate of discharge all the instruments or documents through which

Registration of discharge given by person other than the mortgagee

he claims interest in and title to the mortgage money, and until those instruments or documents are registered the certificate of discharge shall not be registered.

Where
document
lost or
destroyed

(2) Where it is made to appear to the judge of a county or district court that any instrument or document through which any person claims interest in and title to mortgage money has been destroyed or cannot be found, the judge may, upon such evidence by affidavit or otherwise as he may consider proper, dispense with the registration thereof and thereupon shall endorse upon the certificate of discharge or firmly attach thereto his order directing the land registrar to register the certificate of discharge notwithstanding the failure to register the instrument or document, and the land registrar shall thereupon register the certificate of discharge.

Contents

(3) The certificate shall mention the date and the date of registration and the registration number of each of the instruments or documents through which the person executing the certificate claims interest in and title to the mortgage money, and the names of the parties thereto.

Powers
of attorney

(4) This section applies to powers of attorney where the certificate of discharge or prior instrument or document is executed by attorney, except that it is sufficient in the certificate of discharge to state the date of each instrument, document or power of attorney and the names of the parties thereto, and to endorse on the certificate the date of registration and registration number of each instrument, document, or power of attorney, which endorsement shall be signed by the person who signed the certificate, or his attorney or agent, and the endorsement shall be deemed to be part of the certificate.

Application
to judge for
order to
register
instruments
authorizing
discharge to
be given

(5) Where the person whose duty it is to register such instruments or documents refuses or neglects to register them within fifteen days after payment of the mortgage money to him, the person entitled to redeem the mortgage may, on giving ten days notice in writing to the person so refusing or neglecting, apply in a summary manner to a judge of the county or district court of the county or district wherein the land or any part thereof mentioned in the mortgage is situate for an order directing that the person so refusing or neglecting shall within a time to be fixed by the judge register the instruments or documents at his own expense, and the judge, upon being satisfied by affidavit or oral evidence that the application is a proper one, may make the necessary order.

(6) On being satisfied of the due service of the notice the judge may proceed in the absence of the person so refusing or neglecting. Powers of judge

(7) The notice shall state that it is given in pursuance of this section. R.S.O. 1970, c. 409, s. 59; 1979, c. 94, s. 47 (1). Form of notice

57. Where only part of the land mortgaged by a registered mortgage is to be discharged therefrom, a certificate of discharge, in the prescribed form, that includes a local description of the land, executed by the mortgagee, his executor, administrator or assignee, or by such other person as may be entitled by law to receive the money and to discharge the mortgage, may be registered. 1972, c. 133, s. 24, *part*. Partial discharge of mortgage

58. A certificate of discharge that conforms to this Act and the regulations is, when registered, as valid and effectual as a conveyance to the mortgagor, his heirs or assigns of his original estate in the mortgaged land or in the part thereof described in the certificate, as the case may be. 1972, c. 133, s. 24, *part*. Effect of registration of discharge of mortgage

59.—(1) In this section,

Interpretation

(a) “deed to uses” means a deed purporting to grant or convey land to such uses as the grantee may appoint, regardless of the method of appointment specified in the deed, and, until appointment or in default of appointment, purporting to grant or convey the land to the use of the grantee absolutely, and includes every such deed containing words of like import, but does not include a mortgage;

(b) “grantee to uses” means a grantee named in a deed to uses.

(2) A mortgage made by a grantee to uses does not exhaust his power of appointment. Mortgage does not exhaust power

(3) Notwithstanding the registration of a discharge of, Effect of discharge of mortgage

(a) a mortgage that was made by a grantee to uses; or

(b) a mortgage to which the land was subject when the grantee to uses became the grantee,

the grantee to uses may exercise his power of appointment as though the mortgage had not been made.

Application

(4) This section applies to,

(a) land conveyed by a deed to uses registered on or after the 1st day of January, 1967; and

(b) land conveyed by a deed to uses registered before the 1st day of January, 1967, but not conveyed or devised until after that day by the grantee to uses by a deed or will. R.S.O. 1970, c. 409, s. 62.

Discharge of mortgage seized under execution

60.—(1) Where a sheriff, bailiff of a small claims court or other officer, under a writ or warrant of execution against goods, seizes a mortgage belonging to the person against whose goods the writ or warrant has issued, on or affecting land in Ontario, the payment of the mortgage money in whole or in part to the sheriff, bailiff, or other officer by the mortgagor, or any other person or any person claiming under him, satisfies the mortgage to the extent of such payment.

Form of certificate of discharge

(2) After payment of the mortgage money or any part thereof, the sheriff, bailiff or other officer shall, at the request and expense of the person requiring it, give a certificate in the prescribed form under the hand and seal of office of the sheriff or other officer, or under the hand of the bailiff and the seal of the court of which he is bailiff.

Seal of court

(3) Upon the written request of the bailiff the clerk of the court shall affix to the certificate the seal of the court and he shall file the request of the bailiff in his office.

Effect of certificate

(4) The certificate when registered, if it is of payment in full of the mortgage, is as valid and effectual in law as a release of the mortgage and as a conveyance to the mortgagor, his heirs, executors, administrators, or assigns, or any person lawfully claiming by, through or under him or them, of the original estate of the mortgagor as if executed by the execution debtor.

Effect of certificate of part payment

(5) The certificate when registered, if it is of payment of only a part of the mortgage money, is as valid and effectual in law as a release of the mortgage, as to such part, as if executed by the execution debtor. R.S.O. 1970, c. 409, s. 63 (1-5).

Notice of seizure of mortgage

(6) Where a mortgage has been seized by a sheriff or bailiff of the small claims court or other officer in the manner provided by law, and the seizure has been withdrawn, vacated or for any other reason set aside, the sheriff, bailiff or other officer under whose hand notice of seizure

has issued, may give a certificate directed to the land registrar in whose office the notice of seizure is registered, to the effect that the seizure has been withdrawn, vacated or set aside as the case may be. R.S.O. 1970, c. 409, s. 63 (6); 1972, c. 133, s. 25; 1979, c. 94, s. 47 (1).

61. Instruments of the nature mentioned in section 26 may be discharged, and the land affected thereby released therefrom, by registering in the proper land registry office a certificate of discharge in the prescribed form. R.S.O. 1970, c. 409, s. 64. Discharge of instrument given in relation to purchase of goods

62.—(1) Where it appears from the abstract index that an instrument purporting to be a valid discharge of a mortgage or an instrument under section 26 has been registered for ten or more years, the land described in the mortgage or instrument, or that portion of the land described in the discharging instrument, as the case may be, is not affected by any claim under the mortgage or instrument or under any instrument relating exclusively thereto. 1972, c. 133, s. 26, *part*; 1979, c. 94, s. 24 (1). Effect when discharge of mortgage registered for ten years

(2) Where it appears from the abstract index that an instrument purporting to be a valid discharge of, Effect when discharge of certain other instruments registered for two years

(a) a certificate of *lis pendens*;

(b) a claim for a mechanics' lien;

(c) a certificate of action in respect of a mechanics' lien;

(d) a registered notice of a conditional sale contract;

(e) a registered gas or oil lease;

(f) a registered notice of security interest under the *Personal Property Security Act*, R.S.O. 1980, c. 375

has been registered for two or more years, the land described in the certificate, claim, notice or lease, or that portion of the land described in the discharging instrument, as the case may be, is not affected by any claim under the certificate, claim, notice or lease or under any instrument relating exclusively thereto. 1972, c. 133, s. 26, *part*; 1979, c. 94, s. 24 (2, 3).

(3) The land registrar may delete the entry in the abstract index, Deleting entries

(a) of any instrument to which this section applies;

- (b) of a notice of the granting of a pension registered under section 13 of *The Old Age Pensions Act*, being chapter 258 of the Revised Statutes of Ontario, 1950, or any predecessor of that section.

Idem

(4) Notwithstanding subsection (3), the land registrar shall not delete the entry of an instrument in the abstract index for a lot or part of a lot unless all the lot or part is free of claims under the instrument by virtue of the operation of subsection (1) or (2). 1972, c. 133, s. 26, *part*; 1979, c. 94, s. 47 (1).

Orders,
etc., re
changes in
municipal
boundaries

63. Every order of the Ontario Municipal Board or other instrument whereby a city, town, village, township or improvement district becomes incorporated, or the boundaries of any municipality are enlarged, diminished or altered, shall be registered in the proper land registry office and shall be recorded in the by-law index under subsection 18 (1). R.S.O. 1970, c. 409, s. 67.

Certified
copies,
notarial
copies

64. Where any provision of this Act requires or permits the registration of a certified or notarial copy of an instrument, the instrument may be registered instead of a copy. R.S.O. 1970, c. 409, s. 68 (1); 1979, c. 94, s. 25 (1).

REGISTRATION AND ITS EFFECT

Unregistered
instruments
after grant
from the
Crown to be
void against
subsequent
registered
purchaser or
mortgagee

65.—(1) After the grant from the Crown of land, and letters patent issued therefor, every instrument affecting the land or any part thereof shall be adjudged fraudulent and void against any subsequent purchaser or mortgagee for valuable consideration without actual notice, unless the instrument is registered before the registration of the instrument under which the subsequent purchaser or mortgagee claims.

Exception as
to certain
leases

(2) This section does not extend to a lease for a term not exceeding seven years where the actual possession goes along with the lease, but it does extend to every lease for a longer term than seven years. R.S.O. 1970, c. 409, s. 69 (1, 2).

Exception as
to certain
by-laws

(3) This section does not extend and shall be deemed never to have extended to,

(a) a by-law passed before the 6th day of April, 1954 under section 390 of *The Municipal Act*, being chapter 243 of the Revised Statutes of Ontario, 1950 or a predecessor of that section;

(b) a by-law passed after the 5th day of April, 1954 under section 390 of *The Municipal Act*, being

chapter 243 of the Revised Statutes of Ontario, 1950 or under section 39 of the *Planning Act*; or R.S.O. 1980, c. 379

- (c) any other municipal by-law, heretofore or hereafter passed, affecting land that does not directly affect the title to land. R.S.O. 1970, c. 409, s. 69 (3); 1980, c. 50, s. 6.

66. Priority of registration prevails unless before the prior registration there has been actual notice of the prior instrument by the person claiming under the prior registration. R.S.O. 1970, c. 409, s. 70. Actual notice

67. No equitable lien, charge or interest affecting land is valid as against a registered instrument executed by the same person, his heirs or assigns, and tacking shall not be allowed in any case to prevail against the provisions of this Act. R.S.O. 1970, c. 409, s. 71. Equitable liens, and tacking

68. A registered mortgage is, as against the mortgagor, his heirs, executors, administrators, assigns and every other person claiming by, through or under him, a security upon the land comprised therein to the extent of the money or money's worth actually advanced or supplied under the mortgage, not exceeding the amount for which the mortgage is expressed to be a security, notwithstanding that the money or money's worth, or some part thereof, was advanced or supplied after the registration of a conveyance, mortgage or other instrument affecting the mortgaged land, executed by the mortgagor, his heirs, executors or administrators, and registered subsequently to the first-mentioned mortgage, unless before advancing or supplying the money or money's worth, the mortgagee in the first-mentioned mortgage had actual notice of the execution and registration of such conveyance, mortgage or other instrument, and the registration of such conveyance, mortgage or other instrument after the registration of the first-mentioned mortgage, does not constitute actual notice. R.S.O. 1970, c. 409, s. 72. Mortgages, how affected by subsequent registered conveyances, where mortgage moneys paid subsequently

69.—(1) The registration of an instrument under this or any former Act constitutes notice of the instrument to all persons claiming any interest in the land, subsequent to such registration, notwithstanding any defect in the proof for registration, but nevertheless it is the duty of a land registrar not to register any instrument except on such proof as is required by this Act. R.S.O. 1970, c. 409, s. 73 (1); 1979, c. 94, s. 47 (1). Registration to be notice

Where
subs. (1)
does not
apply

(2) Subsection (1) does not apply to an instrument entered in the by-law index or to an instrument registered as a general registration under subsection 18 (1) or (6) or under predecessors of those subsections,

- (a) unless an entry of the instrument appears in the abstract index;
- (b) unless an entry of a declaration under subsection 22 (2) or a predecessor of that subsection referring to the instrument appears in the abstract index; or
- (c) unless the instrument is mentioned in a subsequently registered instrument and an entry of the latter instrument or of a declaration referring thereto, as mentioned in clause (b), appears in the abstract index. R.S.O. 1970, c. 409, s. 73 (2); 1972, c. 133, s. 27 (1).

Registration
deemed
notice

(3) The registration of a notice under section 107 or a declaration under subsection 22 (2) constitutes registration of the instrument referred to in the notice or declaration for the purposes of subsection (1) of this section.

Idem

(4) The registration of a notice under subsection 21 (7) or (8) constitutes notice only of the particulars contained in the notice.

Where no
notice

(5) After the expiry of a notice registered under subsection 21 (8), the notice shall not constitute notice of the agreement, option or assignment or of any particulars referred to in the notice. 1979, c. 94, s. 26.

Instruments
giving
authority to
sell and
naming
commission,
not to
bind land
after one
year from
date

70. An instrument that is or purports to be a power of attorney or authority to sell land in which the commission, payment for services, or other remuneration of the attorney or agent is made a charge on the land, as against a subsequent purchaser or mortgagee for valuable consideration and as against the creditors of the person giving the power or authority, ceases to charge the land with the commission, payment for services, or remuneration after the lapse of one year from the making of the instrument. R.S.O. 1970, c. 409, s. 74.

Corrections

71.—(1) Except in the manner hereinafter provided, after an instrument has been recorded, no alteration or correction shall be made to any entry previously made respecting the instrument. 1972, c. 133, s. 29, *part*.

Method

(2) The land registrar shall immediately after becoming aware of any omission or error in recording cause to be made such

entries, alterations or corrections as are requisite, and a memorandum stating the date of every such entry, alteration or correction, and the memorandum shall be signed by the land registrar or his deputy. 1972, c. 133, s. 29, *part*; 1979, c. 94, ss. 27 (1), 47 (1).

(3) Where, after the registration of a plan, instruments affecting land within the plan were registered that did not conform and refer thereto, the land registrar shall, when he considers it necessary or when so directed by the Director, cause the instruments to be recorded in the proper abstract index in accordance with subsection (2). 1979, c. 94, s. 27 (2).

Re-entry
of
instruments
not
referring
to prior
registered
plan

72. An instrument capable of and properly proved for registration and in respect of which the fees for registration have been paid shall be deemed to be registered when and so soon as it is delivered either personally or by mail to and received at his office during office hours by the land registrar, or some officer or clerk in his office on his behalf, and thereafter no alteration shall be made in the instrument. R.S.O. 1970, c. 409, s. 77; 1979, c. 94, s. 47 (1).

When
instrument
to be
deemed
registered

PLANS

73.—(1) A plan of subdivision shall not be registered unless it has been prepared by a surveyor and unless it complies with the regulations.

Registered
plan of
subdivision

(2) An instrument that refers to a plan of subdivision shall not be registered unless the plan of subdivision is registered. R.S.O. 1970, c. 409, s. 78 (1, 2).

Idem

(3) The consent of the mortgagee to a plan of subdivision, when registered, discharges from the mortgage any land dedicated by the owner as a public highway and any land designated as a reserve that is conveyed to the corporation of the municipality in which the land is situate. R.S.O. 1970, c. 409, s. 78 (4).

Effect of
mortgagee's
consent

(4) The land registrar shall not register a plan of a subdivision of land for which a Crown patent has not issued unless the assent of the Minister of Natural Resources to the registration is endorsed on the plan. R.S.O. 1970, c. 409, s. 78 (6); 1972, c. 4, s. 12; 1979, c. 94, s. 47 (1).

Plans of
unpatented
lands

(5) The land registrar shall not register a plan of subdivision of land unless every person who appears on the abstract index to be the owner of the land has endorsed the plan as owner and unless every person who appears by the abstract index to be a mortgagee of the land consents in writing, but nothing in this section shall be

Land registrar
not to file
plans for
anyone but
owner or
without
consent of
mortgagees

deemed to require the consent to any such plan of the owner of an easement or right in the nature of an easement in respect of the land.

Where consent
of mortgagee
not required

(6) Subsection (5) does not require the consent of a mortgagee unless the plan of subdivision dedicates part of the land to which the mortgage applies as a public highway. 1979, c. 94, s. 28 (3).

Approvals
under
R.S.O. 1980,
c. 379

(7) No plan to which the *Planning Act* applies, except a plan registered under section 77 or 85 of this Act, shall be registered unless approved under the *Planning Act*. R.S.O. 1970, c. 409, s. 78 (8).

Claim under
R.S.O. 1980,
c. 152

(8) Land dedicated by its owner for a street or public highway is not subject to any claim under Part III of the *Family Law Reform Act* by the spouse of the person by whom it was dedicated. 1980, c. 50, s. 7.

Where plans
required to
be registered
under
R.S.O. 1980,
c. 230

(9) A plan of subdivision of land that is within an area to which the *Land Titles Act* applies shall not be registered under this Act, subject to subsection 143 (2) of the *Land Titles Act*. 1972, c. 133, s. 30.

Where land
in certification
area

(10) Subject to the regulations, a plan of subdivision of land that is within a certification area shall not be registered under this Act unless,

R.S.O. 1980,
c. 61

(a) the title of the owner of the land has been certified under the *Certification of Titles Act*;

(b) the plan is accepted for registration within six months after the designation of the area in which the land is situate as a certification area; or

(c) certification under the *Certification of Titles Act* of the land included in the plan would, in the opinion of the Director of Titles, result in an unreasonable delay in registration of the plan. 1979, c. 94, s. 28 (5).

Where
description
required
to be
registered
under
R.S.O. 1980,
cc. 84, 230

(11) A description as defined in the *Condominium Act*, in respect of land that is within an area to which the *Land Titles Act* applies but not within an area designated under subsection 143 (3) of the *Land Titles Act* shall not be registered under this Act. 1979, c. 94, s. 28 (6).

Where
reference plan
required

74.—(1) Subject to section 75, a deed or other conveyance or mortgage of land shall not be registered unless,

(a) the land is the whole part remaining to the owner of the land described in a registered conveyance to him;

- (b) the land consists of the whole of a lot, block, street, lane, reserve or common according to a registered plan of subdivision, judge's plan or municipal plan under section 85;
- (c) the land is the whole of a "PART" according to a previously recorded reference plan; or
- (d) the land is shown on a plan, to be known as a "reference plan", prepared and deposited in accordance with the regulations. 1972, c. 133, s. 31, *part*; 1979, c. 94, s. 29.

(2) The land registrar, having regard to the circumstances, may order that subsection (1) does not apply in the case of a conveyance or mortgage mentioned in the order. 1972, c. 133, s. 31, *part*; 1979, c. 94, s. 47 (1). Exception

75.—(1) Where an instrument submitted for registration contains a description of land that in the opinion of the land registrar is complex or vague, he may require a plan of the land to be deposited as a "reference plan" before accepting the instrument for registration. 1972, c. 133, s. 32, *part*; 1979, c. 94, ss. 30, 47 (1). Where land registrar may require reference plan

(2) Where the land registrar is satisfied that compliance with a requirement made under subsection (1) would be unreasonable, having regard to the circumstances, he may accept, in lieu of a reference plan, a sketch of the land prepared in accordance with the regulations. 1972, c. 133, s. 32, *part*; 1979, c. 94, s. 47 (1); 1980, c. 50, s. 8. Saving

76. The Director may direct that a plan index book, in the form prescribed by him, shall be kept by the land registrar. R.S.O. 1970, c. 409, s. 80; 1979, c. 94, s. 47 (1). Plan index book

77.—(1) The Director may direct the land registrar to subdivide any lot or designated area into such lots or blocks for abstract purposes as, having regard to conveyances registered upon such lots and otherwise, he may direct, and in such case an abstract index shall be prepared by the land registrar for each of such lots or blocks as if it had been originally a separate lot, and shall extend from any past or future date directed by the Director, and shall contain only those registrations that affect the subdivision to which the index relates. R.S.O. 1970, c. 409, s. 81 (1); 1979, c. 94, s. 47 (1), *part*; 1980, c. 50, s. 9. Abstract index for subdivision of lots

(2) Where an abstract index is prepared under subsection (1), the Director may direct the land registrar to cause a plan Land registrar's compiled plan may be registered

to be compiled showing the lots or blocks into which the designated area has been subdivided, and the compiled plan, bearing the title "Land Registrar's Compiled Plan", may be registered.

Idem

(3) Where the land registrar is unable to prepare an abstract or a compiled plan under this section without the assistance of a surveyor, he may, with the approval of the Director, engage a surveyor to assist in such preparation. R.S.O. 1970, c. 409, s. 81 (2, 3); 1979, c. 94, s. 47 (1), *part*.

Parts of
lots

(4) Where the original lines of the lots do not form the boundaries of such blocks, public streets or such other limits as the Director may direct shall be taken as the boundaries thereof. R.S.O. 1970, c. 409, s. 81 (5).

Abstract
index to
original lots

78.—(1) Where a plan of a subdivision of a lot or part of a lot has been or is registered, the land registrar, when directed so to do by the Director, shall prepare an abstract of all instruments affecting the part subdivided, and enter the same in the page or pages of the abstract index book immediately preceding the abstract as to the first lot on the plan.

Idem

(2) Whenever a further subdivision of any of the lots on a plan is made, the land registrar, when directed so to do by the Director, shall prepare and enter in like manner an abstract of all instruments affecting the part so subdivided from the registration of the previous plan. R.S.O. 1970, c. 409, s. 82; 1979, c. 94, s. 47 (1).

Registration
of instru-
ment
referring
to an
unregistered
plan

79. Subject to the regulations, no instrument referring to an unregistered plan shall be registered unless an instrument referring to the plan has been registered in respect of the same land, and, if the land registrar objects to the registration of an instrument on the ground that it refers to an unregistered plan, he may refuse to register the instrument unless the person desiring its registration refers the land registrar to the number of an instrument registered in respect of the same land referring to the unregistered plan. R.S.O. 1970, c. 409, s. 83; 1979, c. 94, s. 47 (1).

When
instruments
not conform-
ing to proper
plan may be
registered

80.—(1) Where an instrument that does not conform and refer to the proper plan has been duly executed and any party thereto has died, or, where it would, in the opinion of the land registrar, be impossible or inconvenient to obtain a new instrument containing the proper description, the instrument may be registered if accompanied by an affidavit in the prescribed form annexed thereto or endorsed thereon.

(2) The land registrar shall thereupon enter the instrument in the abstract index in which the subdivision is entered under the lots designated in the affidavit, and no entry shall be made in the abstract index of the land before its subdivision. R.S.O. 1970, c. 409, s. 84; 1979, c. 94, s. 47 (1).

Duty of
land
registrar

81.—(1) Where a parcel of land has been included in a registered plan of subdivision that was not signed by the owner of the parcel and the parcel is subsequently described in a registered deed or other conveyance as being within the plan, the plan is as binding upon the grantee of the parcel and all persons claiming under him as if the plan had been signed by the owner of the parcel.

When
registered
plan not
signed by
an owner
becomes
binding

(2) Subsection (1) does not affect the rights of a mortgagee whose mortgage was registered before the deed or other conveyance, mentioned in subsection (1), was registered. R.S.O. 1970, c. 409, s. 85.

Saving

82.—(1) The council of any municipality may apply to a judge of the county or district court of the county or district in which is situate the whole, or any part not being less than one-half, of the lands included in any plan, and the judge has power to make orders and directions,

Powers of
county or
district
judge to
make order

- (a) for the hearing of the application upon such notice as the judge may direct;
- (b) to cancel or suspend in whole or in part any registered plan;
- (c) to close, divert or alter any or all highways, roads, streets or lanes shown on any such plan, either temporarily or permanently, or pending the suspension of the plan;
- (d) to provide that the lands or any part or parts thereof shown on any such plan shall thereafter, or pending such suspension or until further order of the judge, be known and described by the original township or other registration numbers or designations used prior to the registration of any such plan, or such other numbers or descriptions as to the judge may seem convenient;
- (e) to impose such terms and conditions as to the judge may seem proper;

(f) to fix and determine the fees and charges to be imposed and collected by land registrars for all and any services under this section, and by whom the same shall be payable;

(g) to reinstate in whole or in part any plan suspended as aforesaid,

and the judge has power to make such further or other order, direction or disposition as he, in his discretion, may consider proper. R.S.O. 1970, c. 409, s. 86 (1); 1979, c. 94, s. 47 (1).

Appeal
from order

(2) The Minister or any person affected by an order made under subsection (1) may appeal the order to the Divisional Court. R.S.O. 1970, c. 409, s. 86 (3).

Consent
to order
R.S.O. 1980,
c. 379

(3) An order under this section amending a plan that was approved under section 36 of the *Planning Act* or a predecessor thereof, where the plan was registered after the 27th day of March, 1946, shall not be made without the prior written consent of the Minister of Housing. 1972, c. 133, s. 33 (2); 1973, c. 120, s. 1.

Correction
of plan

83. An error, defect or omission in a registered or deposited plan may be corrected in accordance with the regulations. 1980, c. 50, s. 10.

Unregistered
plans of
subdivision,
etc.

84. Where land has been sold in accordance with or by reference to surveys or subdivisions that so differ from the manner in which the land was surveyed or granted by the Crown that parcels so sold cannot be easily identified unless the plan is registered, the plan shall be registered if still in existence and procurable for registration. R.S.O. 1970, c. 409, s. 88.

Municipal
plans

85.—(1) Where land in a municipality has been sold under surveys or subdivisions made in a manner that so differs from that in which the land was surveyed or granted by the Crown that the parcels sold cannot be easily identified, and the plan has not been registered, the council of the municipality may cause a plan of the land to be made and, with the approval of the examiner of surveys endorsed thereon, registered, and the expenses of the preparation and registration of the plan may be paid in whole or in part by a special rate to be levied by assessment on the land comprised in the plan as described in a by-law to be passed for the purpose of levying such rate. R.S.O. 1970, c. 409, s. 89 (1); 1979, c. 94, s. 32 (1).

(2) A plan prepared under subsection (1) shall show such subdivisions of original lots as are shown by registered plans, and such as are not so shown but appear from the instruments relating to the land, with each of the lots as shown on the new plan numbered or lettered in such a manner that they may be readily identified. Designation of lots

(3) A plan under this section shall be prepared and registered in accordance with the regulations. R.S.O. 1970, c. 409, s. 89 (2, 3). Plan to comply with regulations

86.—(1) The Director may by a direction to be known as a “restraining order” designate any area of land as a subdivision plan area, and, after the registration of the direction, no instrument of a class mentioned in the direction affecting the land shall be registered, Designation of subdivision plan areas

(a) unless the instrument complies with the requirements of clause 29 (3) (a), (b), (c) or (d) of the *Planning Act*; or R.S.O. 1980, c. 379

(b) unless the written consent of the Director is endorsed thereon.

(2) The Director may in a direction under subsection (1) designate land that, although within a registered plan of subdivision, shall be deemed not to be within a registered plan of subdivision for the purposes of this section. Registered plans may be included

(3) A direction under this section, although registered, may be altered or withdrawn by direction of the Director, and such direction shall be registered and recorded in the abstract indexes of the land affected thereby. R.S.O. 1970, c. 409, s. 91 (1-3). Alteration and withdrawal of direction

(4) Before altering or withdrawing a direction or consenting to permit the registration of an instrument, the Director, Conditions

(a) may require a consent within the meaning of subsection 29 (1) of the *Planning Act* to be attached to or endorsed on the instrument; or

(b) may require the land described in the instrument to be shown on a plan of survey attached to the instrument. R.S.O. 1970, c. 409, s. 91 (4); 1972, c. 133, s. 35.

(5) A direction under this section is exempt from the *Regulations Act*. R.S.O. 1970, c. 409, s. 91 (5). Order exempt under R.S.O. 1980, c. 446

(6) This section is repealed on a day to be named by proclamation of the Lieutenant Governor and all restraining orders and directions designating areas of land as subdivision plan areas made under this section or a predecessor thereof are rescinded on that day. 1979, c. 94, ss. 34, 50 (2), *part*. Repeal

Certificate
under
R.S.O. 1980,
c. 84
required to
register
description
under
R.S.O. 1980,
c. 61

87. A declaration and description, as defined in the *Condominium Act*, shall not be registered under this Act unless a certificate of title under the *Certification of Titles Act* showing the person by whom the declaration and description are being registered as the owner in fee simple of the land has been registered. 1979, c. 94, s. 35.

FEES OF LAND REGISTRARS

Fees in
cases not
provided for

88.—(1) Where an Act requires or permits an instrument to be registered, deposited or filed in a land registry office or requires a land registrar to perform any service and no fees therefor are provided by this Act or the regulations or by any other Act of Ontario, the land registrar, in the absence of any express provision requiring him to perform such services gratuitously, is entitled to such reasonable fees therefor as the Director may fix, to be paid by the person requiring the service to be performed.

Idem

(2) Where an Act provides a fee for registration but does not provide a fee for additional entries where the instrument embraces more than one lot or parcel, the Director may, subject to the regulations, fix the fee to be paid to the land registrar in respect of each lot or parcel after the first. R.S.O. 1970, c. 409, s. 92; 1979, c. 94, s. 47 (1).

Disputes as
to fees

89.—(1) Where a dispute arises in regard to any question of fees under this Act, the land registrar shall forthwith submit the dispute to the Director, and shall thereupon notify the person interested or his agent of such submission, and the decision of the Director upon the question submitted is final, unless appealed from and varied upon appeal as hereinafter mentioned.

Reduction
of fees

(2) Where, in the opinion of the Director, a fee payable under this Act is unduly excessive, having regard to all the circumstances, the Director may reduce the fee to such amount as he considers appropriate.

Appeal from
Director

(3) All decisions given by the Director shall be in writing, and the appeal therefrom shall be to the Divisional Court in accordance with the rules of court. R.S.O. 1970, c. 409, s. 93; 1979, c. 94, s. 47 (1), *revised*.

Record of fees,
etc.

90. Upon receiving an instrument for registration or a document or plan for deposit, the land registrar shall record it and the fee charged in a fee and receiving book in the form approved by the Director. 1979, c. 94, s. 36.

DIRECTOR

91. The Director shall,Duties of
Director

- (a) make as often as practicable a personal inspection of the building in which each land registry office is kept, and of the books, deeds, memorials and other instruments in each office; inspection of
building
- (b) see that the proper books are provided, that they are in good order and condition, that the proper entries and registrations are made therein in a proper manner and in a due and proper form and order, that the indexes are properly kept, and that all the memorials and other instruments are duly endorsed, certified and preserved; books, etc.
- (c) ascertain that the office is kept open at and for the proper times, and that it is at all times duly attended by the land registrar or his deputy; office hours
- (d) settle on some uniform device for the official seals, and see that the land registrars supply themselves therewith; seals of
officials
- (e) inspect all new abstract and alphabetical indexes; new indexes
- (f) ascertain whether the proper plans required by this Act have been registered, and, where necessary, enforce the provisions of this Act as to the preparation and registration thereof, and instruct the Crown attorney to take proceedings for that purpose; plans
- (g) inform the land registrar how and in what manner he shall do any particular act or amend or correct whatever the Director may find amiss, and if he finds the work improperly performed, order a new book or books to be prepared and completed by the land registrar at his own expense; instruction
of land
registrar
- (h) perform such other duties as the Lieutenant Governor in Council may prescribe. R.S.O. 1970, c. 409, s. 97; 1972, c. 133, s. 36 (1); 1979, c. 94, s. 47 (1). other duties

92. Where the Director in the performance of his duties under this Act has occasion to make an inquiry or to determine any matter, he has the powers of a commission under Powers of
Director
under
R.S.O. 1980,
c. 411

Part II of the *Public Inquiries Act*, which Part applies to such inquiry or determination as if it were an inquiry under that Act. 1971, c. 50, s. 77.

Land registrars to furnish information to Director

93. Every land registrar shall transmit to the Director such particulars with reference to the business of his office as the Director may require. R.S.O. 1970, c. 409, s. 99; 1979, c. 94, s. 47 (1).

Deputy land registrar at large

94. The Director may appoint a person to act as a deputy land registrar in any land registry office as directed by the Director, who shall be deemed to be the deputy land registrar therein during such period as the Director may designate. R.S.O. 1970, c. 409, s. 100; 1979, c. 94, s. 47 (1).

PENALTY FOR ALTERING BOOKS OR DOCUMENTS

Offence for unauthorized alteration or removal of records

95.—(1) Any person, except the land registrar or other officer when entitled by law so to do, who alters any book, record, plan, registered instrument or deposited document in any land registry office, or who makes any memorandum, word or figure in writing thereon, whether in pencil or in ink, or by any other means, or in any way adds to or takes from the contents of any such book, record, plan, instrument or document, and any person who removes or attempts to remove any such book, record, plan, instrument or document from a land registry office without lawful authority, is guilty of an offence and on conviction is liable to a fine of not more than \$5,000. 1972, c. 133, s. 37; 1979, c. 94, ss. 40 (1), 47 (1).

When limitation period starts running

(2) For the purpose of determining the last day to prosecute, the limitation period in respect of an offence under subsection (1) shall start at the time that offence is first discovered by the land registrar. 1979, c. 94, s. 40 (2).

REGULATIONS

Regulations

96.—(1) The Lieutenant Governor in Council may make regulations,

- (a) describing the registry divisions;
- (b) prescribing the terms of employment of land registrars, deputy land registrars, clerks and other employees in land registry offices;
- (c) for the management of land registry offices, including the registers, plans, instruments and other books, documents and records to be kept and the method in which fees and other receipts of the office shall be col-

lected, kept and accounted for; and conferring on the Director such powers as may be considered necessary for carrying out the provisions of this or any other Act relating to the duties of land registrars;

- (d) prescribing the hours during which the land registry offices shall be kept open, and the hours during which instruments shall be received for registration;
- (e) designating certification areas for the purpose of subsection 73 (10);
- (f) governing the custody, disposition and destruction of instruments and records of land registry offices;
- (g) governing the correction of errors, defects and omissions in registered and deposited plans;
- (h) prescribing the manner in which sketches referred to in subsection 75 (2) are to be prepared;
- (i) prescribing the minimum and maximum dimensions of instruments tendered for registration;
- (j) respecting the quality of writing and material used in instruments tendered for registration and in duplicates and copies required by this Act;
- (k) prescribing methods and standards of recording by photographic film and providing for the storage thereof;
- (l) governing the content of alphabetical or deposit indexes and dispensing therewith in any registry division;
- (m) designating instruments or documents or classes thereof to which clause 45 (1) (b) does not apply;
- (n) requiring the payment of fees to land registrars upon the performance of any official function under this Act and prescribing the amounts thereof;
- (o) prescribing forms and providing for their use;
- (p) requiring, in connection with an instrument presented for registration, proof of compliance with any law that if not complied with might detrimentally affect the title or interest of a person claiming title or an

interest under the instrument, and governing the form and manner of presentation of such proof;

(q) prescribing anything that by this Act is required to be prescribed by the regulations;

(r) designating persons for the purposes of subsection 41 (11);

(s) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1970, c. 409, s. 102 (1); 1978, c. 8, s. 3; 1979, c. 94, ss. 41, 47 (1); 1980, c. 50, s. 11.

Application
of
regulations

(2) The application of any provision of the regulations made under subsection (1) may be limited to one or more registry divisions. R.S.O. 1970, c. 409, s. 102 (2).

Integration
of land
titles and
registry
records and
procedures
R.S.O. 1980,
c. 230

97.—(1) Notwithstanding any provision of this Act or of the *Land Titles Act*, the Lieutenant Governor in Council may make regulations for standardizing the procedures in the land titles system and the registry system and for integrating the records of those systems in land registry offices where both systems are operated, and may limit the application of any provision of the regulations to one or more registry or land titles divisions. 1972, c. 133, s. 38.

Regulations
for
purposes
of
R.S.O. 1980,
cc. 47, 61, 84,
230

(2) The Lieutenant Governor in Council may make regulations under this Act in respect of surveys, plans and descriptions of land and procedures related thereto for the purposes of the *Boundaries Act*, the *Certification of Titles Act*, the *Condominium Act*, the *Land Titles Act* and this Act, and may in such regulations specify the powers and duties of the examiner of surveys. 1979, c. 94, s. 42.

PART II

DEPOSITS

Interpre-
tation

98. In this Part, “document” includes a plan of survey and any certificate, affidavit, statutory declaration or other proof as to the birth, baptism, marriage, divorce, death, burial, descendants or pedigree of any person, or as to the existence or non-existence, happening or non-happening of any fact, event or occurrence upon which the title to land may depend, a notice of sale, or other notice necessary to the exercise of any power of sale or appointment or other power relating to land, and a receipt for payment of money under a registered instrument. R.S.O. 1970, c. 409, s. 104; 1980, c. 50, s. 12.

99.—(1) A document may be deposited in the office of the land registrar of any registry division in which any land to which it relates is situate.

Deposit of document

(2) The deposit of a document under this Part shall not be deemed a registration thereof and the admissibility or value of any document as evidence shall not be affected by the deposit. R.S.O. 1970, c. 409, s. 105; 1979, c. 94, s. 47 (1).

Effect of deposit

100. Upon every such deposit, the person making the deposit shall deliver to the land registrar a requisition in the prescribed form which shall be firmly attached to any number of documents not exceeding ten, and the land registrar shall sign a receipt upon the duplicate, if any, for the documents therein mentioned, and shall deliver the receipt to the person making the deposit. R.S.O. 1970, c. 409, s. 106; 1979, c. 94, s. 47 (1); 1980, c. 50, s. 13.

Requisition to be filed and receipt given

101.—(1) Upon receiving the requisition under section 100 and the documents therein mentioned, the land registrar shall cause the word “deposited” with the date and deposit number to be endorsed on the requisition.

Numbering, etc.

(2) Deposits shall be numbered consecutively in order of time of receipt, in accordance with subsections 44 (1) and (5), as though they were instruments or a separate class of instruments. R.S.O. 1970, c. 409, s. 107 (1, 2).

Idem

(3) The land registrar shall enter in the abstract index against each lot or parcel mentioned in the requisition the words, “See Deposit No.”, and, where the requisition refers to only a part of a lot, the entry in the abstract index shall include a reference to the part of the lot. 1972, c. 133, s. 39; 1979, c. 94, s. 47 (1).

Entry in abstract

(4) The provisions of Part I applying to property in or custody of instruments apply to documents deposited under this Part or under *The Custody of Documents Act*, being chapter 85 of the Revised Statutes of Ontario, 1960, or any predecessor thereof. R.S.O. 1970, c. 409, s. 107 (6).

Custody of deposits

102.—(1) Sections 16 and 17 and clause 45 (1) (b) apply to every document deposited under this Part.

ss. 16, 17 and 45 (1) (b), apply to deposits

(2) In respect of a reference plan referred to in section 74 or 75 or in the regulations, the procedures prescribed by the regulations apply in lieu of the requirements set out in sections 100 and 101. 1979, c. 94, s. 44.

Where ss. 100 and 101 do not apply

Deposit
relieves
from
liability

103.—(1) The deposit of a document under this Part shall be deemed a sufficient compliance with, and fulfilment of, any covenant or agreement entered into by any person to produce or allow the inspection of, or the making of, any copy of or extract from the document, and absolves any person liable for the production or custody thereof from any further liability in respect of such custody or production.

Expenses of
executors,
etc.

(2) An executor, administrator or trustee may reimburse himself out of the estate for any expense that he incurs in or about depositing any document that came into his possession or control as such executor, administrator or trustee. R.S.O. 1970, c. 409, s. 109.

PART III

INVESTIGATION OF TITLES

Interpre-
tation

104. In this Part,

- (a) "claim" means a right, title, interest, claim or demand of any kind or nature whatsoever affecting land set forth in, based upon or arising out of a registered instrument, and, without limiting the generality of the foregoing, includes mortgages, liens, easements, agreements, contracts, options, charges, annuities, leases, dower rights and restrictions as to the use of land or other encumbrances affecting land;
- (b) "owner" means a person, other than a lessee or a mortgagee, entitled to a freehold or other estate or interest in land at law or in equity, in possession, in futurity or in expectancy. R.S.O. 1970, c. 409, s. 110; 1979, c. 94, s. 45.

Title
shown for
40 years

105. A person dealing with land shall not be required to show that he is lawfully entitled to the land as owner thereof through a good and sufficient chain of title during a period greater than the forty years immediately preceding the date of such dealing, except in respect of claims referred to in subsection 106 (2). R.S.O. 1970, c. 409, s. 111.

Expiry of
claims

106.—(1) A claim that has been in existence for longer than forty years does not affect land to which this Act applies unless the claim has been acknowledged or specifically referred to or contained in an instrument or a notice under this Part or under *The Investigation of Titles Act*, being chapter 193 of the Revised Statutes of Ontario, 1960, or any

predecessor thereof, registered against the land within the forty-year period. R.S.O. 1970, c. 409, s. 112 (1).

(2) Subsection (1) does not apply to,

Exceptions

- (a) a claim of the Crown reserved by letters patent or a claim of the Crown in unpatented land or in land for which letters patent have been issued, but which has reverted to the Crown by forfeiture or cancellation of the letters patent, or in land that has otherwise reverted to the status of unpatented Crown land;
- (b) a claim of the Crown or of a municipality in respect of any public highway or lane;
- (c) a claim of a corporation authorized to construct or operate a railway, including a street railway or incline railway, in respect of lands acquired by the corporation after the 1st day of July, 1930, and,
 - (i) owned or used for the purposes of a right of way for railway lines, or
 - (ii) abutting such right of way;
- (d) a claim to an unregistered right of way or other easement or right that a person is openly enjoying and using;
- (e) a claim to a freehold estate in land or an equity of redemption therein by a person shown by the abstract index for the land as being so entitled prior to any forty-year period and continuously shown by the abstract index for the land during the forty-year period and thereafter as being so entitled; or
- (f) any claim imposed by a statutory enactment. R.S.O. 1970, c. 409, s. 112 (2); 1979, c. 94, s. 46.

(3) For the purposes of subsection (1),

Idem

- (a) a wife's claim to an inchoate right to dower in land shall be deemed to be acknowledged in an instrument by which her husband alienates the land; and
- (b) an instrument to which section 62 applies shall be deemed not to have been registered. R.S.O. 1970, c. 409, s. 112 (3); 1972, c. 133, s. 40.

Registration
of notice
of claim

107.—(1) Subject to subsection 21 (6), a person having a claim against land that is not barred under section 106 or a person on his behalf may register in the proper land registry office a notice, which shall set forth the claimant's full name and address, a local description of the land and a detailed statement of the claim verified by the affidavit of the person registering the notice.

Idem

(2) Notwithstanding subsection 106 (1) and subsection (1) of this section, a notice of a claim that has expired by virtue of the operation of subsection 106 (1) may be registered under subsection (1) of this section if there has been no intermediate registered dealing with the land, and such registration has the same effect as if done within the time limited by subsection 106 (1).

Registration
not to
validate
expired
claim

(3) The registration of a notice under subsection (1) does not validate a claim that has otherwise expired. R.S.O. 1970, c. 409, s. 113.

Part
to prevail
over other
provisions

108. Where there is any conflict between the provisions of this Part and those of Part I or Part II or of any other Act or any regulation made thereunder or any rule of law, the provisions of this Part prevail. R.S.O. 1970, c. 409, s. 114.

CHAPTER 446

Regulations Act

1. In this Act,

Interpre-
tation

- (a) “file” means file in the manner prescribed in section 2;
- (b) “Minister” means the member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant Governor in Council;
- (c) “Registrar” means the Registrar of Regulations;
- (d) “regulation” means a regulation, rule, order or by-law of a legislative nature made or approved under an Act of the Legislature by the Lieutenant Governor in Council, a minister of the Crown, an official of the government or a board or commission all the members of which are appointed by the Lieutenant Governor in Council, but does not include,
 - (i) a by-law of a municipality or local board as defined in the *Municipal Affairs Act*,
R.S.O. 1980, c. 303
 - (ii) a regulation made under *The Broker-Dealers Act*, 1947, c. 8, the *Teaching Profession Act*, section 78 of the *Cemeteries Act* or by an authority under section 30 of the *Conservation Authorities Act*, or a by-law of a hospital made under the *Public Hospitals Act*, or the constitution and by-laws of an association made under the *Agricultural Associations Act*,
R.S.O. 1980, cc. 495, 59, 85, 410, 8
 - (iii) an order of the Ontario Municipal Board, other than an order prescribing the rules governing proceedings before the Board,
 - (iv) an order, direction or designation of the Lieutenant Governor in Council under section 7, 29, 40, 41, 42, 44 or 65 of the *Public Transportation and Highway Improvement Act* or a designation by the Minister of Transportation and Communications under section 43 or 91 of that Act,
R.S.O. 1980, c. 421

- (v) a schedule of classifications for civil servants, including qualifications, duties and salaries prescribed under the *Public Service Act*, or

R.S.O. 1980,
c. 418

- (vi) an order, approval, regulation, prescription, direction or instruction of the Minister of Intergovernmental Affairs or the Ministry of Intergovernmental Affairs that the Minister or the Ministry is empowered to give or make under the *Municipal Act* or under the *Municipal Affairs Act*, except clause 6 (b) thereof. R.S.O. 1970, c. 410, s. 1; 1971, c. 61, s. 1; 1972, c. 1, ss. 1, 100 (2). 104 (6); 1972, c. 3, s. 17.

R.S.O. 1980,
cc. 302, 303

Filing
required

2.—(1) Every regulation shall be filed in duplicate with the Registrar together with a certificate in duplicate of its making signed by the authority making it or a responsible officer thereof and, where approval is required, with a certificate of approval in duplicate signed by the authority so approving or by a responsible officer thereof, except that in the case of a regulation made by a minister that does not require approval, no certificate is required.

Copy from
Executive
Council

(2) Where a regulation is made or approved by the Lieutenant Governor in Council, the filing with the Registrar of two copies of it certified to be true copies by the Clerk of the Executive Council shall be deemed to be compliance with subsection (1). R.S.O. 1970, c. 410, s. 2.

Commence-
ment

3. Unless otherwise stated in it, a regulation comes into force and has effect on and after the day upon which it is filed. R.S.O. 1970, c. 410, s. 3.

Failure
to file

4. Except where otherwise provided, a regulation that is not filed has no effect. R.S.O. 1970, c. 410, s. 4.

Publication

5.—(1) Every regulation shall be published in *The Ontario Gazette* within one month of its filing.

Extension
of time for
publication

(2) The Minister may at any time by order extend the time for publication of a regulation and the order shall be published with the regulation.

Effect of
non-
publication

(3) A regulation that is not published is not effective against a person who has not had actual notice of it.

(4) Publication of a regulation,

Effect of
publication

(a) is *prima facie* proof of its text and of its making, its approval where required, and its filing; and

(b) shall be deemed to be notice of its contents to every person subject to it or affected by it,

and judicial notice shall be taken of it, of its contents and of its publication. R.S.O. 1970, c. 410, s. 5.

6. The Minister may,Powers of
Minister

(a) determine whether a regulation, rule, order or by-law is a regulation within the meaning of this Act and his decision is final;

(b) determine who shall be deemed responsible officers within the meaning of section 2; and

(c) determine any matter that may arise in connection with the administration of this Act. R.S.O. 1970, c. 410, s. 6.

7.—(1) There shall be a Registrar of Regulations appointed by the Lieutenant Governor in Council who,

Registrar

(a) is responsible for the numbering and indexing of all regulations filed in his office and for their publication; and

(b) shall exercise such powers and perform such duties as are vested in or imposed upon him by this Act, the regulations made hereunder, or the Minister.

(2) The Registrar may issue a certificate as to the filing of a regulation and every such certificate is *prima facie* proof of the facts stated in it without any proof of appointment or signature.

Certificate
of Registrar

(3) Where a map or plan,

Filing of
maps or
plans

(a) forms part of a regulation for the purpose of illustrating a description of land; and

(b) is identified in the regulation by a number given to it by the Registrar,

and the regulation states that the map or plan is filed in the office of the Registrar, he may in his discretion

file the map or plan in his office in numerical order and no publication of the map or plan is necessary. R.S.O. 1970, c. 410, s. 7.

Numbering **8.** Regulations shall be numbered in the order in which they are filed, and a new series shall be commenced each year. R.S.O. 1970, c. 410, s. 8.

Citation **9.** A regulation may be cited or referred to as "Ontario Regulation" or "O. Reg." followed by its filing number, a virgule and the last two figures of the year of its filing. R.S.O. 1970, c. 410, s. 9.

Regulations **10.—(1)** The Lieutenant Governor in Council may make regulations,

- (a) prescribing the powers and duties of the Registrar;
- (b) prescribing the form, arrangement and scheme of regulations;
- (c) prescribing a system of indexing;
- (d) providing for the preparation and publication of a consolidation or codification of regulations that have been filed, and for the preparation and publication of supplements thereto;
- (e) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

**Consolidation,
codification**

(2) Publication of a regulation in a consolidation or codification or supplement thereto mentioned in clause (1) (d) shall be deemed publication within the meaning of this Act. R.S.O. 1970, c. 410, s. 10.

**Defects not
corrected**

11. The filing or publication of a regulation under this Act does not have the effect of validating or correcting any such regulation that is otherwise invalid or defective in any respect or for any reason. R.S.O. 1970, c. 410, s. 11.

**Standing
Committee
on
Regulations**

12.—(1) At the commencement of each session of the Legislature a standing committee of the Assembly shall be appointed, to be known as the Standing Committee on Regulations, with authority to sit during the session.

**Regulations
referred**

(2) Every regulation stands permanently referred to the Standing Committee on Regulations for the purposes of subsection (3).

(3) The Standing Committee on Regulations shall examine the regulations with particular reference to the scope and method of the exercise of delegated legislative power but without reference to the merits of the policy or objectives to be effected by the regulations or enabling statutes, and shall deal with such other matters as are referred to it from time to time by the Assembly. ^{Terms of reference}

(4) The Standing Committee on Regulations may examine any member of the Executive Council or any public servant designated by any such member respecting any regulation made under an Act that is under his administration. ^{Authority to call persons}

(5) The Standing Committee on Regulations shall, from time to time, report to the Assembly its observations, opinions and recommendations. ^{Report} R.S.O. 1970, c. 410, s. 12.



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